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WORLD CONFERENCE ON HUMAN RIGHTS

Preparatory Committee
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AGENDA, RULES OF PROCEDURE, DATES, DURATION, VENUE OF AND
PARTICIPATION AT THE WORLD CONFERENCE

PREPARATORY MEETINGS AND ACTIVITIES AT THE INTERNATIONAL,
REGIONAL AND NATIONAL LEVELS

STUDIES AND OTHER DOCUMENTATION FOR THE WORLD CONFERENCE

Recommendations on the World Conference on Human Rights
and its preparation submitted pursuant to paragraph 10
of General Assembly resolution 45/155

Report of the Secretary-General

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Introduction

1. At its forty-fifth session, on 18 December 1990, the United Nations General Assembly adopted resolution 45/155, entitled "World Conference on Human Rights". In that resolution, the General Assembly reaffirmed its resolution 44/156 of 15 December 1989, in which, noting the progress made by the United Nations over the past 20 years towards achieving its goal of promoting respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion, and that there were still areas in which further progress could be made towards that goal, and considering that, in view of the progress made and the new challenges that lay ahead, it would be appropriate to conduct a review of what had been accomplished through the human rights programme and what remained to be done, the General Assembly had requested the Secretary-General to seek the views of Governments, specialized agencies, non-governmental organizations and United Nations bodies concerned with human rights on the desirability of convening a world conference on human rights for the purpose of dealing at the highest level with the crucial questions facing the United Nations in connection with the promotion and protection of human rights. These views were submitted to the General Assembly at its forty-fifth session in document A/45/564.

2. In paragraph 1 of its resolution 45/155, the General Assembly decided to convene at a high level a World Conference on Human Rights in 1993 with the following objectives:

(a) To review and assess the progress that had been made in the field of human rights since the adoption of the Universal Declaration of Human Rights and to identify obstacles and ways in which they could be overcome to further progress in this area;

(b) To examine the relation between development and the enjoyment by everyone of economic, social and cultural rights, as well as civil and political rights, recognizing the importance of creating the conditions whereby everyone might enjoy these rights as set out in the International Covenants on Human Rights;

(c) To examine ways and means to improve implementation of existing human rights standards and instruments;

(d) To evaluate the effectiveness of the methods and mechanisms used by the United Nations in the field of human rights;

(e) To formulate concrete recommendations for improving the effectiveness of United Nations activities and mechanisms in the field of human rights through programmes aimed at promoting, encouraging and monitoring respect for human rights and fundamental freedoms;

(f) To make recommendations for ensuring the necessary financial and other resources for the United Nations activities in the promotion and protection of human rights and fundamental freedoms.

3. In paragraph 2 of resolution 45/155, the General Assembly decided to establish a preparatory committee for the World Conference on Human Rights, open to all States Members of the United Nations and members of the specialized agencies, and with the participation of observers.

4. In paragraph 8 of the same resolution, the General Assembly requested the Commission on Human Rights and other human rights expert bodies and working groups, to make recommendations to the Preparatory Committee on issues regarding the agenda, date, duration, venue of and participation at the Conference, the preparatory meetings and activities at the international, regional and national levels, which should take place in 1992, and on the desirable studies and other documentation. In paragraph 10, the Assembly requested Governments, the specialized agencies, other international organizations, concerned United Nations bodies, regional organizations and non-governmental organizations concerned with human rights to assist the Preparatory Committee and to undertake reviews and submit recommendations on the Conference and its preparation to the Preparatory Committee through the Secretary-General. The General Assembly also requested the Secretary-General to submit a report to the Preparatory Committee on the contributions made pursuant *inter alia* to paragraph 10. In accordance with that request the Secretary-General, by notes verbales and letters dated 29 March 1991, requested the recommendations of the above-mentioned organizations. The present document contains the replies received from Governments. Addendum 1 contains replies received from specialized agencies and United Nations bodies and addendum 2 contains replies from non-governmental organizations.

5. As of 10 August 1991, recommendations regarding the work of the Preparatory Committee and the World Conference have been received from the following Governments: Australia, Cuba, the Holy See, Jamaica, Luxembourg (on behalf of the 12 member States of the European Community), Namibia, New Zealand, Norway, Rwanda, Senegal, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics and the United States of America. Additional Governments have communicated to the Secretary-General their willingness to cooperate in the work of the Preparatory Committee and the World Conference.

6. Substantive replies regarding the work of the Preparatory Committee and the World Conference were also received from the United Nations Educational, Scientific and Cultural Organization, the World Intellectual Property Organization and the Office of the United Nations High Commissioner for Refugees (see addendum 1). In addition, the Commission of the European Communities stated that "as to the opinions and recommendations surrounding the Conference, the Commission strongly supports the priorities outlined ... by the present Presidency - on behalf of the European Community and its member States - in its letter of 27 June 1991" (see the reply of Luxembourg).

7. A number of non-governmental organizations in consultative status with the Economic and Social Council submitted substantive recommendations, which are reproduced in addendum 2.

8. Some replies referred to views and observations contained in General Assembly document A/46/564, which will be made available to the Preparatory Committee

RECOMMENDATIONS SUBMITTED BY GOVERNMENTS

AUSTRALIA

The Government of Australia submitted the following views:

1. The Australian Government is supportive of the 1993 World Conference on Human Rights, in the expectation that it will provide an impulse towards a major improvement in human rights observance around the world. To achieve this end, the Conference should be pragmatic, rather than theoretical, in orientation. It should be based on a spirit of cooperation and preparation should be thorough.
2. The Conference will provide an opportunity for the international community to confirm the importance of international activity in the field of human rights. It should reaffirm the enduring value of the international instruments and mechanisms which have been developed over the years, particularly the International Bill of Human Rights and the Commission on Human Rights' system of country and thematic rapporteurs.

Outcomes

3. Australia would see the following as among desirable practical outcomes of the Conference:

(a) Broader and deeper awareness and understanding of human rights, through enhanced human rights teaching and information activities, reaching all sectors of society, including the workplace;

(b) Increased commitment by governments to respect for internationally accepted standards of human rights, including ratifications of human rights instruments;

(c) Expansion of the advisory services/technical assistance programme, so that it forms a major part of the work of the United Nations in the field of human rights;

(d) Further increases in the resources available for the human rights activities of the United Nations;

(e) Measures to enhance the effective functioning of human rights treaty bodies - both the provision of a better financial base for those treaty bodies facing difficulties and improved compliance by States parties with their obligations;

(f) Concrete measures to promote the establishment or improvement of national institutions and regional arrangements;

(g) Measures to ensure the effective coordination within the United Nations system of all matters relating to human rights;

(h) Reaffirmation of the fundamental role of non-governmental organizations in the promotion and protection of human rights - the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms should be adopted in 1993 to add significance to the human rights activities of the year.

Issues

4. As regards issues to be addressed, the Australian Government considers that the Conference should confirm the universality of fundamental human rights. The Conference could usefully address the issue of the responsibility of States to promote and protect human rights worldwide, drawing on the Charter of the United Nations, the Universal Declaration of Human Rights and relevant international instruments and United Nations decisions.

5. It should also reaffirm the interrelationship between civil and political rights and economic, social and cultural rights. This should encompass an enhanced awareness of the meaning of this interrelationship - including that lack of resources can impede the realization of human rights and that failure to observe human rights principles can impede development and economic growth.

6. Australia considers it important that the Conference should encourage more effective popular participation as a means of promoting the observance of human rights and fundamental freedoms. This should include the promotion of democratic political institutions, as well as participation in the realization of economic, social and cultural rights.

7. Other issues the Conference should address include the development of effective approaches to questions involving the rights of minorities, the need for intensified efforts to deal with human rights problems affecting indigenous peoples (bearing in mind that 1993 will also be the International Year for the World's Indigenous People) and the human rights problems associated with mass movements of people. In the latter case the linkage between violations of human rights and outflows/internal displacement underlines the need for consideration of the responsibilities to the international community of States concerned and of intensified United Nations action to resolve these problems.

Preparation

8. United Nations General Assembly resolution 45/155 and Commission on Human Rights resolution 1991/30 provide clear and useful guidelines for the substantive content of and the preparations for the Conference. They should be closely adhered to.

9. In general, the preparations should be accelerated through close intergovernmental consultation between sessions of the Preparatory Committee. The objective should be to ensure that major questions are settled before the Conference itself begins.

10. The first session of the Preparatory Committee should focus on administrative and financial questions and consideration of substantive questions should be deferred until the following session.

11. To contain costs, Preparatory Committee meetings should take place only in Geneva. Technical preparations should also be centred in Geneva. However, in order to ensure wide participation in the preparations, and in accordance with paragraph 3 of General Assembly resolution 45/155, the Preparatory Committee should call upon Governments, regional organizations, national and international non-governmental organizations, intergovernmental organizations and specialized agencies to organize activities during the period leading up to the Conference. The results of these activities should be communicated to the Preparatory Committee so that they can contribute to the Conference preparations. As far as possible, these activities should be financed on an extrabudgetary basis.

12. In connection with the above point, greater efforts should be made by the United Nations, member States, specialized agencies and regional and international organizations and non-governmental organizations to publicize the Conference. The bureau of the Preparatory Committee should preferably be elected for the whole preparatory period. States should work towards achieving agreement on bureau membership and the distribution of offices prior to the opening of the Preparatory Committee session. They should also work towards achieving agreement on the agenda for each session prior to its opening. Time-limits on statements should be strictly adhered to. Wherever possible, submissions should be made in writing.

CUBA

The Government of Cuba submitted the following views:

1. A world conference on human rights is necessary because much still remains to be done in order to achieve real cooperation in this field, and because there is an intensification of the unfortunate trend towards indiscriminate politicization of certain topics and the use of human rights by certain countries to single out certain underdeveloped countries and attack them on purely political grounds.

2. Consequently, the Government of Cuba is concerned that, far from encouraging and promoting international cooperation in this sensitive area, formulas are instead being advanced for interfering in the internal affairs of States. The topic is being used as a facade to conceal actions of coercion and blackmail against sovereign countries, or to impose patterns and models which are irrelevant to the history, traditions and cultures of third world peoples.

3. The 1993 World Conference should therefore be the forum for examining, not only what has been achieved in this field since the International Conference on Human Rights at Tehran in 1968, but also what has not yet been achieved, with the object of seeking solutions, setting priorities, and above all, getting back on track.

4. The Government of the Republic of Cuba feels that the basis and the programme for a frank and objective discussion of these problems should necessarily include the following elements:

(a) All human rights and fundamental freedoms are inalienable, indivisible and interdependent; the genuine and full achievement of any one group or category of them is inconceivable without the realization of the others. However, for the developing world, solution of the problems of development, illiteracy, malnutrition and ill-health is a basic and indispensable prerequisite for the full realization and exercise of civil and political rights.

(b) There must be unconditional respect for the principle of equal rights and self-determination. This includes the right of all peoples and nations freely to determine their political status, without external interference, and to seek their economic, social and cultural development in order to achieve the effective realization of all human rights and fundamental freedoms.

(c) Any action by the United Nations in this field must not only be based on a thorough understanding of the wide range of problems that exist in all societies and on full respect for the political, economic and social situations of each one, but must also be consistent with the principles established in Article 2 of the Charter of the United Nations and the overall basic goal that is being sought in this field, namely, through international cooperation to solve humanitarian international problems, to achieve development and promote the rights and freedoms of all.

(d) It should be recognized that utilization of the question of human rights for political ends is an extremely serious obstacle to practical solutions in this area, that it prevents the creation of a climate of détente, peace and cooperation among States and that consequently, it is a major impediment to the promotion, protection and attainment of basic rights and freedoms. Non-selectivity, impartiality and objectivity should govern all multilateral action in this field.

(e) It is necessary again to emphasize the duty of all States to refrain from distorting human rights issues and exploiting them in order to interfere in the internal affairs of States, to exercise pressure over them or to sow distrust and create disorder within States or groups of States or among the latter.

(f) The highest priority should continue to be given to the discussion of and search for practical solutions to problems of massive and flagrant violations of the human rights of peoples and individuals affected by situations such as those created by apartheid, all forms of racial discrimination, colonialism, domination and foreign occupation, aggression and threats against national sovereignty, and by the continuance of a profoundly unjust international economic order, which even more gravely affects the real opportunities for dozens of third world nations to achieve full realization of the human rights of their citizens.

(g) It is necessary to examine the link between development and the universal enjoyment of both economic, social and cultural rights and civil and political rights, and to identify the obstacles blocking further progress in this area and the means of overcoming them. The growing disparity between the economically developed countries and the developing countries is preventing the realization of human rights in the international community. Since the Development Decades have not attained their modest goals, it is even more imperative for each country, and particularly the developed ones, to help by all possible means to remove this disparity.

(h) In this connection, an assessment should be made of the consequences for development and the enjoyment of human rights of peoples that political and economic coercion measures have had and are still having, especially measures such as the blockades, embargoes and boycotts imposed by certain developed countries against developing countries.

5. The Government of the Republic of Cuba wishes therefore to endorse the content and scope of two extremely important General Assembly resolutions, namely resolution 32/130 entitled "Alternative approaches, and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms" and resolution 36/103 entitled "Declaration on the Inadmissibility of Intervention and Interference in the Internal Affairs of States". The postulates of these two resolutions should serve as a starting point for the debate, because the circumstances which led to their adoption not only subsist, but have worsened, in particular the ever-widening gap between the poor countries of the South and the rich nations of the North.

THE HOLY SEE

The Holy See submitted the following views:

1. In his address to the International Conference on Human Rights at Tehran in 1968, His Holiness Pope Paul VI said: "To speak of human rights is to affirm a common good of mankind, it means working to build a fraternal community" (15 April 1968). This statement is more valid than ever today, as the conscience of mankind is now highly sensitive to the issue of human rights and they have become fundamental to man's search for reconciliation and peace. A long distance has been covered since the Tehran Conference, but much still remains to be done for human rights to be effectively recognized and respected throughout the world.

2. The period since the adoption of the Universal Declaration of Human Rights can be divided into three phases. During the first phase, progress was made in work of a legislative nature by the international organizations, in an essentially institutional framework, with the aim of more clearly defining the rights proclaimed in the Universal Declaration and expanding them further.

3. This phase, which was characterized in particular by the activity of experts and governmental representatives, was followed by a period which began with the Tehran Conference and was marked by a greater interest in human rights, with closer attention being given to the problem of violation of those rights. This led to progressive expansion and dissemination of the concept to increasingly wider sectors of world public opinion, at least in the Western countries. It was discovered that the topic could make an impact on foreign policy choices but, unfortunately, it was also discovered that human rights could be effectively used as a new weapon in the political and ideological confrontation taking place throughout the world, to the detriment of true respect for these rights within countries. It is indeed a paradox that the effective protection of human rights sometimes appears to be in inverse proportion to the length of the debates on the subject.

4. A third phase, which began in the early 1980s, took a more definite form at the end of that decade, during which major political changes took place in several countries. This present period could be described as a period of maturing. One section of public opinion that has been subjected by the communications media to selective condemnations of human rights or to misleading manipulation of their interpretation seems to be afflicted with a kind of apathy. This does not mean that the cause of human rights has lost its importance. Rather it shows clearly that different priorities should be set. It is no longer enough to draw attention to human rights. What is needed is to find the root of the problems and to do this a veritable education programme must be undertaken. Here the Holy See is in a position to make a valuable contribution, through the social education and the pastoral services of the Catholic Church, to the performance of this long-term but vitally important task.

5. The context in which the forthcoming World Conference on Human Rights is being prepared offers encouraging prospects and gives rise to well-founded hopes. The time of sterile polemics over the relative importance of the various categories of human rights appears to be over. The annex to resolution 1991/30 adopted by the Commission on Human Rights at its forty-seventh session very appropriately highlights "the equal importance and indivisibility of all categories of human rights, as well as the interrelationship between human rights, democracy and development in full respect for the Charter of the United Nations" (para. 2). Continued reference to an order of precedence among these categories of rights is now indicative of reluctance to defend and promote human rights more effectively, as recommended in the annex referred to above (see para. 4).

6. It is, moreover, obvious that a distinction has to be made between "primordial human rights", such as the right to life, and "fundamental human rights", such as the right to work or to health care. Whereas the former must be respected always and everywhere, the latter are observed only where certain specific conditions are met. It is to be hoped that the page of ideological clashes masking more or less unacknowledgeable interests can now be turned once and for all. For those working to promote human rights this represents a goal which demands the cooperation of everyone, in a spirit of goodwill, mutual trust and genuine concern for human beings.

7. Here are a few ideas, which the Holy See would like to submit to the Preparatory Committee, on the principles that should guide the forthcoming World Conference:

(a) Certain human rights are "natural" rights

If, as article 1 of the Universal Declaration of Human Rights solemnly proclaims "All human beings are born free and equal in dignity and rights", it follows that human rights existed prior to the formation of the State. In other words, the State is not required to grant any "recognition" of these rights, because they must necessarily derive from the dignity, that is inherent in every human being, who is independent of the State structures. In the Christian doctrine, this dignity is based on the fact that man was created "in the image of God". The State, on the other hand, has a duty to promote and defend the full exercise of and effective respect for human rights.

(b) Universality of human rights

There is one constantly growing criticism of the Universal Declaration which could be termed "relativist" and it began with the observation that the United Nations of 1948 could not genuinely claim to represent the entire world. The Universal Declaration is criticized for failing to reflect all the various cultural traditions. However, it cannot be said exactly how the framers of the Declaration specifically contradicted the value systems or civilizations that were unable to participate in the debates of 1948. This criticism has often served as the pretext for practices that show little regard for human rights. The universality of human rights should be reasserted emphatically on the basis of the unquestionable truth that all human beings are the same in nature.

(c) Rights and obligations: two sides of the same coin

On the question of duties it is generally article 29 of the Declaration that is cited. However, it is too easily forgotten that article 1 affirms that all human beings "should act towards one another in a spirit of brotherhood". At a time when a sort of inflation of rights is sometimes to be observed, it is desirable to point out that rights will remain a dead letter if, at the same time, the obligations and responsibilities of each and everyone, in other words the moral dimension of human rights, are not more clearly perceived.

(d) The collective dimension of human rights

The broadening of the concept of human rights has fortunately widened the scope of their application. One can therefore speak of a collective dimension of these rights from two viewpoints: on the one hand, there are collective subjects of rights, such as the family, minorities, peoples and nations and, on the other, there are rights which belong both to the individual and to the community, such as the right to peace, the right to development and the right to security in the environment.

(e) The importance of freedom of conscience and freedom of religion

In the opinion of the Holy See, this is a "radical" right, in the sense that it is at the "root" of any edifice of human rights because it affects the primordial relationship of the human being with his Creator. The Catholic Church defends religious freedom disinterestedly for every religion, because it is the most profound expression of freedom of conscience. It is unacceptable that certain religious faiths refuse to accept the principle of changing one's religion - if the decision has been taken deliberately and freely according to the dictates of the conscience of a person seeking the truth - when article 18 of the Universal Declaration explicitly recognizes this right.

(f) Primacy of the right to life

It is not fortuitous that this right is the first in the list of rights set forth in the Universal Declaration (article 3), because, in fact, it is obvious that there can be no specific reference to human rights if there is no one entitled to these rights. In the opinion of the Holy See, this right belongs to every human being from the moment of his conception. It is with this belief that the Holy See acceded to the Convention on the Rights of the Child, the preamble of which rightly recalls the need for the child to have "appropriate legal protection, before as well as after birth". It is also this belief that led the Holy See to reject as unacceptable any practice of euthanasia or any other similar form of aggression against life.

(g) Violations of human rights

The first formulation of human rights in modern history was prompted by a reaction against the arbitrary concept that the State has absolute power and it is still often believed that these rights may be asserted only vis-à-vis the public authorities. However, we now see violations of human rights being perpetrated by groups which are not responsible to the State and which even attack the representatives of the State, notwithstanding the fact that the latter's role is to protect the rights of its citizens. These are very serious developments which take the form of terrorism or organized crime. In some countries, certain areas are completely outside the control of the legitimate authorities. This is a threat to the functioning of any State governed by the rule of law, without which there can be no security for the people and therefore no protection of their rights. It would be desirable if the forthcoming World Conference on Human Rights could discuss this tragic situation.

(h) The efforts now being made to strengthen the present juridical regime in the area of human rights could include discussion of the desirability of setting up a world body to which individuals or communities could appeal against violations of human rights.

JAMAICA

The Government of Jamaica submitted the following views:

It is important that the preparation for the World Conference on Human Rights be advanced on a basis which would take into account a number of fundamental principles which are reflected in the concerns expressed regarding the formulation and implementation of human rights. These principles include the following:

- (i) That all human rights are indivisible and interrelated, and that, in particular, the enjoyment of economic, social and cultural rights at a basic minimum level which is fundamental to the human condition should receive increasing attention and support if the conditions for the enjoyment of civil and political rights are to be created.
- (ii) The interrelationship between human rights and development, including the protection of the environment, must be emphasized. Sustainable development within the framework of the right to a reasonable standard of living, including the right to food, housing, education and shelter, must come to terms with the reality that unless industrialized countries are prepared to allocate significant resources to developing countries for the protection of the environment, there will continue to be a dilemma in which in many developing countries the choice on issues such as pollution will be a stark choice between starvation and suffocation.
- (iii) The Preparatory Committee should, in keeping with United Nations General Assembly resolution 45/155, ensure that the organization of the work of the Conference is adequate to address, inter alia:
 - (a) The identification of the obstacles, and ways in which they can be overcome to further progress in the field of human rights;
 - (b) The examination of the relationship between development and the enjoyment by everyone of economic, social and cultural rights, as well as civil and political rights, recognizing the importance of creating the conditions whereby everyone may enjoy these rights;
 - (c) The examination of ways and means to improve implementation of existing human rights standards and instruments;
 - (d) The evaluation of the effectiveness of the methods and mechanisms used by the United Nations in the field of human rights;
 - (e) The formulation of concrete recommendations for improving, through programmes, the effectiveness of United Nations activities and mechanisms in the field of human rights; and
 - (f) The making of recommendations for ensuring the necessary financial and other resources for United Nations activities for the promotion and protection of human rights and fundamental freedoms.

LUXEMBOURG

The Permanent Mission of Luxembourg to the United Nations Office at Geneva submitted the following views on behalf of the 12 member States of the European Community:

1. Respect for human rights is one of the pillars of European political cooperation and the 12 member States of the Community, Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain and the United Kingdom have therefore decided to submit their views and recommendations to the Secretary-General in a joint reply.

2. In their submission, the community and its member States make a distinction between the preparatory phase on the one hand and the Conference itself on the other, and also between questions of substance and procedural matters.

Questions of substance

3. With respect to the substantive aspects of the preparatory phase, they believe that the first priority during the coming period must be to ensure that human rights and fundamental freedoms, as recognized in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, are effectively respected. This substantive work should be carried out in the spirit of openness which has marked the negotiations since this initiative was launched.

4. In their letter of 29 June 1990 to the Secretary-General, the Twelve listed a number of points which should, in their view, be included in this discussion. These are:

(a) The status of ratification and implementation of United Nations legal instruments relating to human rights;

(b) The full implementation of existing human rights and fundamental freedoms, in particular:

(i) measures to enhance the effectiveness of United Nations programmes concerning human rights, such as the programme of advisory services and technical assistance, by examining, *inter alia*, the contribution which other United Nations agencies can make;

(ii) measures to increase the effectiveness of the monitoring and supervision machinery of the treaty bodies and of the Commission on Human Rights in pursuance of the Economic and Social Council resolution to this effect adopted at the 1990 session of the Council;

(iii) the question of availability of the necessary financial resources.

(c) Education and training in the establishment of human rights norms and the universal dissemination of such norms;

(d) The establishment and strengthening of regional human rights institutions;

(e) The establishment and strengthening of national infrastructures and institutions operating in the area of human rights.

5. The Twelve also consider that the link between democracy, human rights and sustained development has become increasingly clear and important within the framework of international cooperation. Respect for human rights, the primacy of law, political pluralism and effective, responsible and democratically legitimate political institutions are considered to form the basis of all economic development and all equitable redistribution.

6. The Community and its member States believe that the chairmen of the bodies responsible for monitoring the implementation of international instruments, as well as the special rapporteurs, the working groups and the regional institutions, should be closely involved in the entire preparatory process. They attach particular importance to specific contributions being made by the non-governmental organizations to the preparatory work and to their active participation in the Conference itself.

7. Thus, by the time the preparatory phase ends, the Conference should have a clear and precise picture that will enable it to work effectively towards the adoption of a substantial final document representing consensus views.

Procedural matters

8. With regard to procedural matters connected with the preparatory phase, it is important that the arrangements worked out during and between the sessions of the Preparatory Committee should enable the participating countries to work under the best possible conditions. To that end, the Twelve feel that the Preparatory Committee should meet only as and when necessary. Continuity in the preparatory work is one of the conditions which will determine the success of the 1993 Conference. The bureau of the Preparatory Committee should therefore remain in charge during this entire phase. Furthermore, the Twelve believe that the Centre for Human Rights at Geneva could play a role between the sessions of the Preparatory Committee so that unduly long intervals between the meetings of the Committee do not impair the quality of the preparatory work. In that connection, it would be useful if the various sessions of the Preparatory Committee could be held in Geneva.

9. Concerning the Conference itself, its procedural aspects, the Community and its member States would favour a high-level meeting. This would, of course, mean that the Conference would be of relatively short duration. Having regard to the profound historical changes which have occurred in Europe in the past few years, changes which have, above all, benefited human rights and fundamental freedoms, the Community and its member States welcome the offer made by the Government of Germany to hold the Conference in the formerly divided city of Berlin.

10. Lastly, although it might be premature at this stage to make any definite assumptions about the substantive debate to take place at the Conference, the Community and its member States think that the latter should focus on the finalization, adoption and dissemination of the conclusions reached and the recommendations agreed upon during the preparatory phase.

NAMIBIA

The Government of Namibia submitted the following views:

A. COMMENTS

1. Lack of awareness of human rights in developing countries

1.1. The notion of human rights, including the means for their protection, implementation and enjoyment, has not seeped through to the most important strata of society, particularly in the developing or so-called third world countries, although the people at these levels of society are particularly prone to human rights abuses. Very little has been done to propagate the idea of human rights among these "high-risk" members of society.

1.2. Participants at high-level conferences on human rights are drawn invariably from sections of society which are the least likely to have their rights trampled upon with impunity. But these participants do little to spread the word, as it were, to reach many of their compatriots who need the message most.

1.3. If this trend is not reversed, the idea of human rights will remain an elitist concept whose practical realization will only help those members of society who are comparatively able to ensure that their rights are not breached, i.e. people who are capable of protecting their rights from being encroached upon.

2. Danger of bureaucratic despotism in developing countries

2.1. In their endeavour to achieve rapid socio-economic development and social justice, most Governments of developing countries have intervened in vast areas of the social and economic lives of their countries. The upshot of this situation has been the corresponding increase of uncontrolled power of public administrators over the lives of the people. Thus bureaucratic despotism has indubitably become one of the greatest dangers to the effective implementation of human rights and their widespread enjoyment by the great majority of people in most developing countries.

3. Limited judicial protection

3.1. Judicial processes and procedures remain highly technical, stereotyped and above all too expensive, thus making the protection of human rights by the courts beyond the reach of the average citizens of most developing countries.

B. RECOMMENDATIONS

4. The World Conference on Human Rights should address these problems or issues with a view to identifying concrete and pragmatic methods which could be used to solve those problems and thus enhance the effective promotion and enjoyment of human rights by the great majority of people. The Conference should therefore pay particular attention in its deliberations to the following:

4.1. Dissemination of information on human rights

There is a need to disseminate the idea of human rights to a wider audience, particularly at the grassroots level, so as to make as many people as possible aware of their rights and freedoms. There should be sustained and comprehensive national human rights workshops and seminars involving people who by their profession or vocation are able to spread the word, namely, teachers, trade union leaders, journalists, social workers, clergymen and other religious leaders, etc.

4.2. Teaching of human rights in schools

Human rights should be taught as a subject in schools and other educational institutions, particularly at the secondary level. It is therefore necessary for the United Nations Commission on Human Rights, in conjunction with UNESCO, to work out useful curricula that would be beneficial to the students.

4.3. Human rights workshops for relevant public servants

Human rights workshops should be conducted at the national and subnational levels for those public servants who by the nature of their work are more likely to encroach upon the rights and freedoms of persons. The target group of such workshops should be: military personnel, police officers, prison officers, immigration and customs officers, judicial officers (magistrates or similar lower court officers), etc.

4.4. The need for justiciable human rights

Governments should be encouraged to incorporate the protection and promotion of human rights and freedoms in their national constitutions so as to make them justiciable. These rights and freedoms should not be limited to political and civil rights but should also include economic, social and cultural rights, and in order to protect citizens from bureaucratic despotism, the constitutionally protected rights should include the right to administrative justice as provided for in some constitutions like the Namibian Constitution or in some human rights charters like the Canadian Bill of Rights.

4.5. Extrajudicial protection of human rights

Governments should be encouraged to establish or assist in the establishment of governmental or non-governmental extrajudicial institutions which could quickly deal with citizens' complaints on human rights abuses

without any lengthy and complicated formalities and procedures. In Namibia the privately-sponsored Legal Assistance Centre and the State-sponsored Legal Aid Directorate of the Ministry of Justice and the Ombudsman are examples of such bodies.

NEW ZEALAND

The Government of New Zealand submitted the following views:

1. The Government of New Zealand is a strong supporter of the World Conference on Human Rights.
2. We believe that the commitment of the international community to the promotion and protection of human rights, as demonstrated by the impressive array of human rights mechanisms over which the United Nations presides, and the acknowledgement from all regions that human rights are a legitimate preoccupation of the international community, have significantly increased in recent years. At the same time, however, and in spite of the commitments which Governments have made, human rights abuses continue in many parts of the world.
3. The World Conference will give us all an opportunity to take a long hard look at what has been achieved and, we hope, to apply some creative thinking to the best way to move forward in the field of human rights in the coming decades. This will require imagination, courage and political will.
4. In General Assembly resolution 45/155, paragraph 1, a number of objectives for the World Conference are identified. It will be crucial in the preparatory process to have these objectives always in mind. We should, at the outset, also have some idea of the outcomes that we wish to achieve. We would like to outline some preliminary thoughts in this respect.

(a) To review and assess the progress that has been made in the field of human rights since the adoption of the Universal Declaration of Human Rights and to identify obstacles and ways in which they can be overcome to further progress in this area;

Comment

We would like to see a clear understanding emerge from the World Conference of the major obstacles to universal implementation of human rights standards, the necessary steps needed to overcome these obstacles and a commitment on the part of Governments to take those steps.

(b) To examine the relation between development and the enjoyment by everyone of economic, social and cultural rights as well as civil and political rights, recognizing the importance of creating the conditions whereby everyone may enjoy these rights as set out in the International Covenants on Human Rights;

Comment

A useful outcome to this objective would be increased liaison between the United Nations and other international development and financial agencies such as the International Monetary Fund (IMF) and the World Bank. There also needs to be a strong acknowledgement of the direct relationship between high levels of human freedom and successful development strategies. At the national level, development assistance agencies should include strategies for starting or improving participatory development programmes.

(c) To examine ways and means to improve implementation of existing human rights standards and instruments;

Comment

This is also a key objective of the New Zealand Government's human rights policy. In our view, standard setting in the field of human rights is largely complete (an important exception to this is the draft declaration on indigenous rights) and this should be acknowledged by the World Conference. Governments should express their political commitment to implement fully existing standards at the national level through institutions, legislation, etc. Education and training are crucial to the fulfilment of this objective and it follows that the United Nations will need increased financial resources to assist Governments in implementation.

(d) To evaluate the effectiveness of the methods and mechanisms used by the United Nations in the field of human rights;

(e) To formulate concrete recommendations for improving the effectiveness of United Nations activities and mechanisms in the field of human rights through programmes aimed at promoting, encouraging and monitoring respect for human rights and fundamental freedoms;

Comment

Objective (e) flows directly from (d). Fulfilment of objective (e) should take a high priority in our view.

With respect to the treaty bodies we believe that there needs to be greater coherence and avoidance of duplication. Rationalization should lead to a more efficient use of resources. The meetings of the chairpersons of treaty bodies have already made some valuable recommendations in this area.

Our Government understands that for many countries resources are a real problem in meeting treaty reporting obligations. It might be worthwhile to prepare an analysis of the obstacles that States, particularly those which are small and poor, face when considering acceding to the international human rights instruments. The international community will need to assist States to overcome these obstacles if the goal of universal accession to the major human rights instruments is to be achieved.

There is much to be learnt from the experience both of other organizations in the United Nations family and regional organizations in the field of human rights. The establishment of a mechanism which would allow cross-pollination of experience could well be useful.

As to the ad hoc mechanisms or "special procedures" such as special rapporteurs and thematic working groups, the World Conference could reaffirm the duty of States to cooperate with these bodies.

We would also welcome the emergence of specific recommendations from the Conference on means to streamline and improve the effectiveness of these mechanisms.

Consideration might also be given to taking the process one step further and looking at whether a compulsory mechanism of some description might be of value.

(f) To make recommendations for ensuring the necessary financial and other resources for the United Nations activities in the promotion and protection of human rights and fundamental freedoms;

Comment

It is clear that with the dramatic increase in its responsibilities over the years, the Centre for Human Rights is struggling to keep up and needs more resources. A strong statement from the Conference to this effect would be desirable. In particular, the Government of New Zealand thinks the advisory services programme is extremely valuable and deserves additional resources.

New Zealand has consistently held that States parties must live up to their financial obligations in respect of the treaty bodies. However the unacceptable situation now facing these treaty bodies, and most notably the Committee on the Elimination of Racial Discrimination (CERD) and the Committee on the Elimination of Discrimination Against Women (CEDAW), must be addressed in a way that will bring practical long-term relief of the financial burdens under which they are currently operating. Financial constraints must not be permitted to continue to impair the ability of the treaty bodies to carry out their vital monitoring role. Future funding of the treaty bodies from the United Nations general budget is one option which could usefully be explored.

NORWAY

The Government of Norway submitted the following views:

1. Norway welcomes the wide interest shown by States Members of the United Nations in convening at a high level the World Conference on Human Rights in 1993. United Nations General Assembly resolution 45/155 broadly outlines the objectives of the Conference. In order to achieve a meaningful and substantive outcome of this major event, thorough and extensive preparations in a spirit of true cooperation would be necessary. Norway wishes to participate in the preparatory process hoping that the Conference will stand out as a major step forward in the observance of human rights worldwide.

2. Norway would support constructive approaches contributing to better protection and more effective implementation of human rights, in particular the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. By reaffirming the enduring value of these instruments and the universality of the international human rights norms the Conference should aim at strengthening human rights at the national level, as well as the machinery which has gradually developed at the international level. A major objective would be to strengthen the availability of the different parts of the human rights programme of the United Nations to individuals and groups of individuals at the national level.

3. Norway welcomes the fact that human rights issues over the years have become more prominent on the international agenda. The Conference will in this regard also provide an opportunity to enhance further the human rights dimension in the overall work programme of the United Nations. The international community is witnessing a growing commitment to multilateralism, and a demand for a more effective United Nations is emerging also in regard to the promotion and protection of human rights. Norway hopes the Conference may identify new constructive approaches in this area based on recognition of the fact that respect for human rights is also to be seen as a confidence building measure and a means of preventing conflicts.

4. The Conference will examine the relationship between development and the enjoyment of economic, social and cultural rights as well as civil and political rights, recognizing the importance of creating the conditions whereby everyone may enjoy these rights as set out in the International Covenants. This involves a complex set of issues that deserve careful consideration. In this regard Norway considers the links between human rights, democratic institutions, the rule of law and development to be significant.

5. The principle of free and meaningful participation of all segments of the population in the political, economic, social and cultural development of society, as well as the role of democratic institutions in promoting sustainable development and human rights, should be confirmed and strengthened.

6. Norway would also like the Conference to focus on various practical measures towards strengthening the implementation of human rights:

- (i) Strengthening of the special procedures, i.e. thematic and country rapporteurs, established by the Commission on Human Rights, as well as measures to ensure the effective functioning of the human rights treaty bodies and coordination between them. The Conference should promote accession to the Covenants and the protocols as well as to other international instruments in the field of human rights.
- (ii) The programme of advisory services and technical cooperation in the area of human rights should be strengthened. Coordination between the Centre for Human Rights and relevant United Nations agencies and development organizations should be increased. The strengthening of the catalytic role of the Centre for Human Rights would be important in this regard.

- (iii) Increased emphasis should be put on public information and teaching materials, and on ways to make effective use of them.
- (iv) The Centre for Human Rights should be given increased resources to fulfil its multifaceted mandates. Complementarity of activities should be ensured.
- (v) The fundamental role of non-governmental organizations in promoting human rights should be fully recognized.
- (vi) Measures to safeguard the rights and protection of vulnerable groups such as minorities and indigenous peoples should be further explored.
- (vii) Special attention should be given to combatting the persistent occurrence of torture, maltreatment, arbitrary detention, disappearances and summary or arbitrary executions.

7. As far as organizational matters pertaining to the preparatory process are concerned, Norway would be in favour of a single bureau for the subsequent sessions of the Preparatory Committee. It would seem advantageous to continue to hold the meetings of the Preparatory Committee in Geneva. Broad and active NGO participation and contributions from the treaty bodies and the special rapporteurs of the Commission on Human Rights would be highly desirable. Norway would suggest that organizational matters be given first priority at the coming session of the Preparatory Committee. It is nevertheless our hope that the exchange of views on issues to be considered by the Conference can continue in order to get the preparatory process well under way.

RWANDA

The Government of Rwanda submitted the following views:

1. The Government of Rwanda supports universal and effective respect for human rights and fundamental freedoms for all without distinction as to race, sex or religion. Rwanda is a State governed by the rule of law and the organization of its society is based on a set of laws which establish the conditions under which the State, and in particular the judiciary, shall ensure protection of and respect for individual rights and freedoms.
2. To this end, the the Government of Rwanda is encouraging international cooperative efforts contributing to the promotion and practical implementation and protection of all fundamental rights and freedoms and creating the best conditions enabling every individual to enjoy these rights and freedoms, which are indivisible and closely interrelated.
3. The Government of Rwanda therefore welcomes and supports the holding of the World Conference on Human Rights and wishes to take an active part in all the preparatory work in order to make a real contribution to its success. However, because of its serious economic situation and the state of war existing in the country since 1 October 1990, Rwanda is not in a position to

contribute financially to the work of this Conference. Because of this situation also, the Government of Rwanda is making an official request to the Secretary-General of the United Nations for the Organization to finance a Rwandan delegation of two persons to participate in the preparatory work of the Conference and in the Conference itself.

SENEGAL

The Government of Senegal submitted the following views:

1. Since the adoption of the Universal Declaration of Human Rights, the international community has made considerable progress in developing international instruments for the protection of, respect for and promotion of human rights. However, it has not yet succeeded in putting an end to flagrant and massive violations of human rights. Summary and arbitrary executions, involuntary disappearances, torture, widespread poverty and illiteracy are still rife in many regions of the world.
2. If the international instruments are to have an effect on people's daily lives several changes must be made at the national and international levels, and appropriate means established for the promotion and protection of human rights.
3. The Government of Senegal therefore considers that the preparations for the World Conference should have as their primary aim an exhaustive evaluation of the effectiveness of all the mechanisms and methods used so far to secure accession to and implementation of the international conventions on human rights, identification of the obstacles encountered in the execution of programmes and formulation of specific proposals for ensuring more effective implementation of the international norms adopted in this field.
4. In this connection, the Government of the Republic of Senegal wishes to make the following proposals to the Preparatory Committee:
 - (a) A thorough interdisciplinary evaluation should be made of the effectiveness of the present international machinery for the promotion and protection of human rights;
 - (b) Serious consultations should be held with a view to arriving at a genuine consensus on:
 - (i) the links between enjoyment of civil and political rights and enjoyment of economic and social rights;
 - (ii) ways of developing opportunities for cooperation and coordination in the work of the committees responsible for the implementation of the conventions relating to these two categories of rights;
 - (iii) the need to highlight and recognize the vital importance of enjoyment of certain economic rights, the non-observance of which endangers the fundamental right to life;

(c) A working method should be established to ensure effective coordination between the different agencies in the United Nations system that are involved in the areas of trade, technical assistance, peace, the environment, education and human rights;

(d) The recommendations of the global consultation on implementation of the right to development as a human right should be put into effect;

(e) More effective means should be explored for the dissemination and extension of human rights teaching and information concerning the activities of the institutions working in this field.

UKRAINIAN SOVIET SOCIALIST REPUBLIC

The Government of the Ukrainian Soviet Socialist Republic submitted the following views:

1. The Ukrainian SSR welcomes the holding of a World Conference on Human Rights in 1993, and is determined to play an active part in the preparations for the Conference and the Conference itself. It believes that the successful execution of the decisions of the Conference will depend to a significant extent on how far the range of topics put forward for consideration corresponds to the vital interests of States and fits within the international community's overall strategy for the protection and promotion of basic human rights and freedoms.
2. We fully support efforts by the General Assembly and the Commission on Human Rights, as the agenda for the World Conference is drawn up, to devise approaches which will enable the maximum number of current human rights problems and the ways of dealing with them to be covered. These approaches are set forth in condensed form in the annex to Commission on Human Rights resolution 1991/30, which the Ukrainian SSR sponsored along with the overwhelming majority of members of the Commission. In the context of the recommendations made to the Preparatory Committee by the Commission on Human Rights in that resolution, it is worthwhile looking at a range of issues which will in all probability come under general discussion at the Conference itself.
3. While it supports the idea of holding a World Conference on Human Rights as proposed by the General Assembly and the Commission on Human Rights, the Ukrainian SSR believes it essential to draw attention to some individual issues which have not been duly reflected in the Commission's recommendations to the Preparatory Committee. Discussion of these issues both at the Conference itself and in the meetings of the Preparatory Committee will, in our view, assist in the formulation of a comprehensive approach to human rights problems, and thereby make for more effective execution of the decisions adopted at the World Conference.
4. First, the effectiveness of the entire system of United Nations human rights bodies, together with an increase in the coordinating role of the Centre for Human Rights and a clarification of the specific areas of authority of each body, merits detailed consideration. The resolutions on these

subjects adopted by the Commission on Human Rights in recent years could serve as a basis for discussion. Effective decisions on this subject would give a boost to the activities of the relevant United Nations bodies and specialized agencies concerned with human rights matters.

5. It would be sensible to allow time for a discussion at the World Conference and in the Preparatory Committee on the activities of the special rapporteurs of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities. Recently it has not been uncommon for their reports to be unjustifiably delayed, and in a number of cases the topics investigated have ceased to be of pressing interest even before the investigation has been completed. It must be borne in mind that the activities of the special rapporteurs, experts and special representatives entail serious financial outlays which are not always in proportion to the results achieved.

6. In the view of the Ukrainian SSR, the time has come to confront head-on the need for States to bring their domestic legislation into line with current international human rights standards. Experience shows that a simple increase in the number of international agreements in this area accomplishes little if it is not backed up by practical moves at the domestic level to pass the corresponding legislation and regulations.

7. The inclusion on the agenda of the World Conference of items on a fourth generation of human rights and, in particular, the codification of the vitally important group of environmental rights, would be extremely timely. In the context of discussions on this subject in the General Assembly and the Commission on Human Rights, conclusions and lessons drawn at the Conference would be useful from both a theoretical and a practical point of view.

8. Increasing the role of democratic institutions in the protection and promotion of human rights, notably such manifestations thereof as the supremacy of the law, the independence of the judiciary, free democratic elections and the division of powers, is a topic which merits attention. Hitherto this problem has not been widely discussed at the global level, although it has been mentioned in recent documents of the Conference on Security and Cooperation in Europe.

9. An important problem which should be discussed at the World Conference on Human Rights is the need to establish conventional standards on such matters as the protection of religious rights and freedoms, the protection of national, religious, ethnic and linguistic minorities, and responsibility for violations of human rights and fundamental freedoms. As of now there is no multilateral, legally binding agreement governing these matters.

10. In the view of the Ukrainian SSR, it would be in the interests of all States and of the international community as a whole to take account of these considerations. They fit naturally within the overall structure and substance of the recommendations to the Preparatory Committee made by the Commission on Human Rights.

UNION OF SOVIET SOCIALIST REPUBLICS

The Government of the Union of Soviet Socialist Republics submitted the following views:

1. The Soviet Union considers that the forthcoming World Conference on Human Rights will be an important milestone in the development of international cooperation in the field of human rights. It will take place at a turning-point in modern history, when a new spirit is coming to prevail in relations among States, and will be called upon to make a substantial contribution towards affirming the principles for the building of a post-confrontational world order. In view of the profound changes taking place in many regions of the world, the Conference will need to appraise the progress made towards ensuring universal respect for human rights and freedoms, to identify unresolved problems, to establish basic guidelines for future joint efforts, to analyse the role and position in these processes of the United Nations system as a whole and of its agencies, and to outline measures to make the Organization's work more effective and better coordinated.
2. The Soviet Union supports the objectives and tasks of the World Conference as set forth in paragraph 1 of General Assembly resolution 45/155, which embrace the cardinal aspects of the world community's activities in the field of human rights. With those objectives in mind it will be possible to take decisions which will open up new prospects for the attainment of the ideals embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and other international instruments.
3. The Conference's success and effectiveness will depend very much on the care taken in the preparations for it. In this regard, the Soviet Union attaches great importance to the recommendations agreed upon by the United Nations Commission on Human Rights at its forty-seventh session (annexed to resolution 1991/30), which set forth clear guidelines for the work of the Preparatory Committee.
4. The Soviet Union for its part intends to participate actively in the work of the Preparatory Committee, in order to do all it can to ensure the success of the World Conference on Human Rights.

UNITED STATES OF AMERICA

The Government of the United States of America submitted the following views:

1. The World Conference on Human Rights should be seen as an opportunity for the United Nations to make real progress towards improving the human rights of individuals around the globe. We urge the Preparatory Committee to establish its goals and agenda in the spirit of General Assembly resolution 45/155, which established the World Conference. In addition to reviewing and assessing progress made in the field of human rights, the Conference is charged with examining ways to improve implementation of existing human rights standards and instruments, as well as with evaluating the effectiveness of the methods and mechanisms used by the United Nations in this context.

2. These are important tasks. The United States is particularly concerned that the World Conference not become preoccupied with drafting exercises which add nothing to the existing body of human rights standards. Rather, we strongly support the focus in resolution 45/155 on improving the implementation of these standards.

3. In this regard, we urge the Preparatory Committee to keep in mind the fundamental importance of effectively guaranteeing and fully implementing civil and political rights. We would be particularly interested in exploring which existing United Nations mechanisms - or new proposals - might best help member States achieve this goal. In this connection, it would be useful for the Preparatory Committee to review the technical assistance programmes and the advisory services of the United Nations Centre for Human Rights. The World Conference may wish to strengthen programmes in some areas, such as training for police and military in human rights principles.

4. On procedural matters, the United States hopes that the Preparatory Committee will keep in mind that scarce United Nations resources are best directed toward real problems, rather than lengthy meetings. We would like to suggest that the World Conference meet for a maximum of two weeks, and suggest late June-early July of 1993 as a possible date.



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Recommendations on the World Conference on Human Rights
and its preparation submitted pursuant to paragraph 10
of General Assembly resolution 45/155

Report of the Secretary-General

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UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

1. As indicated in the Director General's letter of 27 March 1991, UNESCO is prepared to participate actively in the preparation of the World Conference on Human Rights.
2. The Work Plan of the draft of the Programme and Budget for 1992-1993 foresees, subject to the approval of the General Conference of UNESCO, that "An international conference on education for human rights and democracy will be convened jointly with the United Nations Centre for Human Rights and in cooperation with intergovernmental and non-governmental organizations, including youth organizations, in 1993". The results of this international conference, along with a number of other activities organized by UNESCO in this area, could provide a useful input, in an appropriate form yet to be determined, for the World Conference on Human Rights.
3. UNESCO recommends that the Secretary-General include in the preliminary draft agenda of the World Conference an item on education, research, information and documentation on human rights. In the light of the discussions of the Preparatory Committee of the Conference, UNESCO could make concrete suggestions for the annotated programme and documents to be provided. UNESCO could also prepare an exhibit of its books on the subject, as well as posters and audio-visual material.
4. Finally, it could be important at this stage to explore the appropriateness of launching, in the framework of the World Conference, a World Decade for Human Rights Teaching.

WORLD FOOD COUNCIL (WFC)

The following are suggested as themes for the 1993 World Conference on Human Rights: (i) WFC strongly believes that access to enough food should be proclaimed by the international community as a basic human right; (ii) hunger can no longer be blamed solely on humankind's inability to produce enough food for all; hunger today is largely a man-made phenomenon: human error or neglect creates it, human complacency perpetuates it and human resolve can eradicate it.

WORLD INTELLECTUAL PROPERTY ORGANIZATION

1. The objectives and the activities of the World Intellectual Property Organization are aimed at promoting respect for and the protection of intellectual property throughout the world, through cooperation among States, as provided for in the Convention establishing the World Intellectual Property Organization.
2. The objectives of WIPO are fully in line with the Universal Declaration of Human Rights, in particular with article 27, which states:

"1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

"2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author."

3. Intellectual property comprises two main branches: industrial property, which relates chiefly to inventions, trademarks, industrial designs and appellations of origin, and copyright, which relates chiefly to literary, musical, artistic, photographic and audio-visual works.

4. Rights in intellectual property mean the rights relating to the results of intellectual activity in the industrial, scientific, commercial, literary or artistic fields. The legal protection of intellectual property gives, on the one hand, statutory expression to the moral and economic rights of inventors and creators and, on the other, access to inventions and creations to the public.

5. Such protection promotes creativity and the dissemination and application of its results enhances the basic rights of individuals to property and freedom of economic activity.

6. The said creativity in the industrial property field leads to useful inventions which make work more efficient and life more comfortable; while creativity in the copyright field raises the beauty and quality of life.

7. In so far as developing countries are concerned, WIPO's development cooperation programme consists, inter alia, of the training of developing country nationals in the governmental and non-governmental sectors, the provision of legal, technical and administrative advice, the provision of equipment and industrial property documentation and the promotion of technological innovation. The aim of these activities is to facilitate the transfer of technology to developing countries as well as the development of indigenous technology and cultural and artistic creativity, thereby contributing to the countries' overall social, cultural and economic progress.

UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

1. UNHCR wishes to lend its full support to the decision to convene the World Conference on Human Rights and finds it an appropriate time to conduct a review of what has been accomplished through the human rights programme and to identify areas for further progress.

2. Human rights issues encompass the entire refugee problem. Human rights are the basis for treatment of all human beings, be they nationals or non-citizens. Violations of human rights are a major cause of refugee exodus; they create complex problems of protection in countries of asylum and the restoration of human rights is a major factor in the successful resolution of long-standing refugee problems.

3. Amongst the many human rights issues deserving more attention from the international community, UNHCR has a particular interest in the following, which we hope could be reflected in the Conference agenda:

(a) The right of freedom of movement in relation to countries of refugee origin. A refugee who is compelled to leave, or denied the right to return to his/her country, is a person whose basic right of freedom of movement has been violated. It is the responsibility of countries of origin not to exile their citizens and not to deny them the right to move freely in relation to their own country;

(b) The right to a nationality. The inability of a refugee to avail him- or herself of the protection of nationality can be seen as an issue of statelessness, whether *de facto* or *de jure*. States have the responsibility to reduce statelessness and to provide for the possibility of enjoying the normal rights of nationality;

(c) Human rights and mass exoduses. This issue has already been discussed, both in the Commission on Human Rights and in the General Assembly. On the other hand, recent developments in a number of refugee situations have caused the close link between the two to come into renewed focus and new issues have entered into the debate, including the responsibilities of countries of origin and those of the international community generally to contribute to the prevention of mass flows and to the elimination of their causes, including action to protect and assist internally displaced persons, and to assure protection and assistance to refugees and to share the burden placed on countries of first refuge.

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AMNESTY INTERNATIONAL

1. Amnesty International considers that the World Conference on Human Rights should provide a unique opportunity for the international community, both governmental and non-governmental, to undertake an in-depth and critical review of the work of the United Nations in the field of human rights, as well as the relationship and coordination of these activities with other areas of work undertaken by the United Nations.

2. Amnesty International attaches the highest importance to the work of the United Nations in promoting respect for human rights. Notwithstanding the achievements in the area of standard-setting in the past decade and the establishment by the United Nations of a range of different mechanisms to address violations of human rights directly, it is shocking that gross violations of the most fundamental and basic rights - torture, "disappearance", summary or arbitrary executions and arbitrary and unlawful imprisonment - continue to occur throughout the world on a large scale. The mechanisms and procedures established so far by the United Nations have not proved to be capable of adequately and effectively confronting critical situations of grave and massive human rights violations or to protect the countless victims of such abuses. Even in situations where the scale and severity of government repression result in massive outflows of refugees or threaten political stability and international security, the United Nations has not been able to deal effectively with the gross violations that typically constitute the root cause of such precarious situations.

3. Amnesty International believes that this remains a major challenge for the United Nations and that one of the primary goals of the World Conference must be to determine new and more effective procedures by which the United Nations can take concrete and decisive steps in situations of grave human rights violations to protect individuals at risk, to work towards bringing such violations to an end and to encourage the restoration of respect for human rights, including full compliance with international human rights standards. Special consideration could be given, for example, to the creation of a standing mechanism by which the United Nations could act rapidly and take urgent measures to protect individuals at risk as well as provide ongoing and sustained human rights monitoring where this is needed. Particular attention should also be given to devising new methods of dealing with gross violations of fundamental human rights when such violations have become a long-standing and entrenched pattern and continue to occur on a wide scale, notwithstanding changes in government or other political developments in a country.

4. Amnesty International also believes that measures for the protection of human rights cannot be considered in isolation; they should form part of wider political discussions and settlements, particularly when the United Nations is closely involved in such discussions. The organization welcomes the fact that human rights are playing an increasingly important role in the activities of the United Nations in the international arena, as has been demonstrated in the United Nations independence plan for Namibia, in the plan for the implementation of the settlement proposals for Western Sahara, in the negotiations concerning Cambodia and by the role of the United Nations in the verification of the Agreement on Human Rights concluded in El Salvador. In another context, Amnesty International recently submitted a proposal to the

Secretary-General concerning the need for an ongoing United Nations human rights monitoring operation in Iraq. Further consideration could usefully be given to these examples of United Nations action in the field of human rights and to ways in which such action could be further developed and integrated more closely in the United Nations human rights programme as a whole.

5. As part of this process of reviewing the capacity and potential for the United Nations to respond more effectively in situations of grave human rights violations, we would also recommend that the World Conference should critically review existing methods and mechanisms used by the United Nations in the field of human rights. In particular, the Conference should evaluate as a central issue the ability and potential of these existing methods and mechanisms to address situations of gross violations and the obstacles which have so far prevented or impeded an effective United Nations response to such situations. Similarly concrete recommendations to improve the effectiveness of United Nations activities and mechanisms should include specific recommendations aimed at strengthening those mechanisms which are mandated to take up grave violations of fundamental rights including torture, "disappearance", summary or arbitrary executions and arbitrary and unlawful detention. In particular, the World Conference should examine ways to enable the United Nations to act more firmly in response to the findings and recommendations of these mechanisms in an impartial and non-selective manner.

6. Amnesty International also wishes to emphasize to the Preparatory Committee the key role that non-governmental organizations play in the human rights field and considers that such organizations should be able to play a full and active role in the World Conference. This would include allowing for the full participation by NGOs in all stages of the preparatory process for the Conference, including in all the preparatory meetings. We would urge the Preparatory Committee to ensure that both national and international NGOs have an opportunity to participate in this process and that such NGOs should also be able to contribute to the studies and documentation to be prepared for the World Conference.

FRIENDS OF THE EARTH INTERNATIONAL

1. We urge the World Conference on Human Rights to focus its attention on emerging areas of human rights law rather than on more traditional ones. This is not to imply that the more traditional areas should be ignored. Our organization feels that it is important for the international community to assess progress in eliminating practices universally regarded as constituting gross violations of human rights. However, we feel that the international community has defined and codified human rights law relating to many of these practices (torture, discrimination, apartheid, slavery), but has as yet not adequately developed other areas of human rights concern that are rapidly overwhelming us all.

2. One of the issues we think it is important to emphasize is human rights and the environment - an issue we think will be one of the most important human rights issues into the twenty-first century. We have been pleased that the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Commission on Human Rights have already taken steps to address this long-neglected area of human rights.

3. We would like to suggest that the Preparatory Committee include the initiative from the Ministry for Housing, Physical Planning and Environment of the Netherlands to develop a "charter on environmental rights and obligations of individuals, groups and organizations". A draft for this charter was endorsed by the representatives of the main European environmental NGOs in March last year when preparing their "agenda for action" for the Brazil 1992 process. The Dutch Ministry is organizing a conference at The Hague to seek the support of other governments for this charter. We think it would be especially appropriate for the Conference to focus on this topic. In particular, we think that the Conference should invite the Sub-Commission's rapporteur on this topic, Mrs. Fatma-Zohra Ksentini, to participate in the Conference and its Preparatory Committee.

4. Other areas of increasing concern include two issues related to human rights and the environment: the rights of indigenous peoples, especially those living in accordance with traditional ways in areas increasingly threatened by ecological devastation; and the issue of economic justice, especially as it relates to addressing problems of extreme poverty. Accordingly, we think these areas should receive great attention at the Conference.

HUMAN RIGHTS ADVOCATES

Evaluating the effectiveness of the methods and mechanisms of the United Nations in the field of human rights

1. Human Rights Advocates (HRA) endorses General Assembly resolution 45/155 and Commission on Human Rights resolution 1991/30. In particular, we note Recommendation 4 of the annex to resolution 1991/30, which directs the Preparatory Committee to consider how it can "work towards improving implementation of existing human rights standards and instruments, evaluating and formulating concrete recommendations aimed at improving methods and mechanisms used by the United Nations in the field of human rights and ways to minimize duplication wherever possible." With respect to this item, HRA first offers general suggestions relating to the work of the Preparatory Committee and follows with comments concerning specific human rights issues.

Work of the Preparatory Committee

2. First, the Preparatory Committee should examine how the various agencies concerned with human rights can learn from each other. Thus, for example, the Committee could look at mechanisms used by the United Nations High Commissioner for Refugees and the International Committee of the Red Cross as well as those used by United Nations bodies in dealing with human rights concerns, in order to evaluate what has been most effective in addressing those concerns.

3. Second, HRA urges the Preparatory Committee to explore the methods that have been used to compensate the victims of human rights abuses to determine whether they have been effective. Specifically, the Preparatory Committee should consider whether compensation methods for victims can be used as a deterrent to violations. If so, the Preparatory Committee could include recommendations to the World Conference that the General Assembly, the

Commission on Human Rights, and the Sub-Commission on Prevention of Discrimination and Protection of Minorities contemplate the use of punitive reparations to victims as well as other methods of restitution to deter future violations.

4. Third, the Preparatory Committee should appraise what assistance could be given to non-governmental organizations to aid them in increasing their effectiveness in the methods and mechanisms used by the United Nations. One example of such assistance would be to request that the Centre for Human Rights provide facilities to NGOs so that they could convene an exclusive NGO conference to discuss their role in those mechanisms. A good time to convene such a conference would be in August in Geneva when many of the NGOs convene for the Sub-Commission session.

Rights of women

5. Human Rights Advocates is concerned with promoting the international protection and implementation of all categories of human rights - economic, social, cultural, civil and political - and fundamental freedoms for all, including women, men, and children. Thus, this part of our communication includes comments which express some of our concerns about the situation of women throughout the world. In making these comments, HRA wishes to emphasize that consideration of women's rights should be integrated into the overall discussions of the Preparatory Committee and the Conference. Women's issues should not be relegated to separate agenda items. The Preparatory Committee should ensure that all the major United Nations human rights bodies such as the Commission on the Status of Women, and not only the Commission on Human Rights, are involved in its sessions. There should be a high level of representation on behalf of the Branch for the Advancement of Women.

6. HRA recommends that the Conference give special attention to the importance of improving the realization of women's rights in relation to the right to development and should consider ways this benefits not only women but society as a whole.

7. HRA recommends that the agenda include discussion of ways to strengthen the institutions for the protection, promotion and implementation of the human rights of women. Examples of issues that could be included are:

(a) Explore means for improving the situation of women in institutions such as the United Nations Secretariat. The United Nations Women's Decade established a modest quota of 30 per cent of senior positions in the Secretariat to be held by women. As of 1990 this goal was not met;

(b) Consider means of avoiding the ghettoization of women's rights. The lack of coordination between the Centre for Human Rights and agencies in Vienna dealing with women's issues has resulted in the separation of women's rights from human rights. Evidence of this is found in the United Nations Yearbook on Human Rights, which discusses the various treaty-based bodies that implement human rights, but which fails to include coverage of CEDAW, the Committee established by the Convention on the Elimination of All Forms of Discrimination against Women;

(c) Examine methods for reducing discrepancies in financing various human rights bodies. Great variations exist in funding human rights bodies in general, with those that deal with the situation of women receiving fewer resources;

(d) Request that guidelines for government reports submitted to United Nations bodies include specific information on the situation of women. This will give a clearer and more complete picture of the human rights situation in a particular country as well as provide background information needed for the 1995 United Nations conference on women;

(e) Discuss inclusion of protection against violations such as domestic violence and battering within international norms on women's rights.

Human Rights and the Environment

8. The rapidly deteriorating state of our environment is already well known. A particularly unsettling aspect of humankind's destruction of the Earth's environment is the exploitation and degradation of human beings as part and parcel of the exploitation and degradation of natural resources.

9. The United Nations Commission on Human Rights, in its resolution 1990/41 of 6 March 1990, has encouraged the Sub-Commission on Prevention of Discrimination and Protection of Minorities to investigate the link between human rights and the environment. The Sub-Commission has appointed a Special Rapporteur, Mrs. Fatma-Zohra Ksentini, to undertake the investigation. In her preliminary report (E/CN.4/Sub.2/1990/12), Mrs. Ksentini stated:

"Acknowledgement of the link between the environment and human rights was fostered by an awareness of the global, complex, serious and multidimensional nature of environmental problems. Moreover, attention is being focused more and more on environmental deterioration wherever it occurs, on understanding its causes and on examining its repercussions and the risks involved."

10. Her investigation has revealed that many documents have been adopted by international, regional and national bodies to develop and/or strengthen environmental protections to avoid the consequent human and community impacts. Life itself can be threatened by environmental disasters. The Chernobyl and Bhopal accidents are probably some of the more recent, stark reminders of this. The right to life, universally accepted as a fundamental human right, 1/ may include the duty of States to protect the populace from life-threatening environmental catastrophes.

11. Destruction of the environment often impairs human health. A right to health has been declared through international declarations and treaties. 2/ It too may include the duty of States to protect the populace from life-threatening environmental catastrophes. Certain instruments even declare a "right to the environment", 3/ though the definition of this right is unclear.

12. Development of these issues through the human rights forums will continue to be crucial in protecting people from harm. The Human Rights Commission should play a significant role in this development and work with other international bodies, such as the United Nations Environment and Development Programmes.

13. An important contribution that the Human Rights Commission can make in this area is to develop concepts of popular participation including participation in the environmental decisions of Governments that could have a significant impact on human settlements and their environments. Popular participation in government, recognized by the General Assembly as necessary for meaningful socio-economic development, 4/ is currently being studied by the Commission on Human Rights (E/CN.4/1991/11). The Secretary-General has received comments from various States regarding popular participation in environmental decisions. 5/

14. For example, nuclear power plants, toxic waste incinerators and hazardous waste disposal sites are projects that have the potential to harm the human environment significantly. The public should have a right to participate in the development of these projects, including the right to adequate information on the health and safety risks that these projects pose to the community. An informed public could prevent an ill-conceived project from progressing until it is proven to be safe; lobby for regulation of hazardous facilities to decrease the likelihood of accidents; and take other such steps to protect itself from harm. In this way, people can actively seek to protect their lives and health. Without this special information, communities that do not receive reliable information (whether from polluting industries or Government) of the potential impacts of hazardous projects and conditions are at greater risk of being exposed to health risks.

15. Human Rights Advocates recommends that the Preparatory Committee include in the agenda for the World Conference a discussion on how popular participation can foster protection of individuals and their communities from today's complex environmental problems.

INTERNATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS

International protection of human rights being one of its priority objectives, the Association therefore welcomes the idea of holding the above-mentioned Conference. The Association points out, however, that the effectiveness of international meetings on human rights is in inverse proportion to their number. We would therefore wish emphasis to be placed on specific proposals for development of the protection of human rights. Consequently, we should like to see the Conference affirm or endorse three juridical declarations or findings, namely that, from the standpoint of positive international law:

- Serious violations of human rights are crimes against humanity;
- The courts of all States have competence to try any cases involving such crimes, irrespective of the place where they were committed and irrespective of the nationality of the perpetrator or the victim (universal competence);

- Such crimes are imprescriptable and, a fortiori, no amnesty may be granted in respect of them.

INTERNATIONAL ASSOCIATION OF PENAL LAW

The International Association of Penal Law submitted a draft programme for a world conference on human rights containing the following main themes: self-determination and minority rights; protection of fundamental human rights through international criminal law; the human right to development; the human right to a clean environment; State responsibility for human rights violations; the effectiveness of regional human rights implementation and assessment; protection against discrimination; protection of children; protection of the rights of the mentally ill; access to justice for the protection of human rights; human rights education; and human rights and the mass media.

INTERNATIONAL CENTRE OF SOCIOLOGICAL, PENAL AND PENITENTIARY RESEARCH AND STUDIES (INTERCENTER)

1. INTERCENTER considers that the Conference, while not ignoring problems of international implementation, should seek primarily: (a) to identify through an interdisciplinary approach, the new challenges posed for human rights by the great problems of the twenty-first century: advances in biological science and communications, demographic trends, mass migrations, revival of fanaticism, etc.; and (b) to prepare, if necessary, new international norms for safeguarding human rights in these new contexts, as well as new forms of implementation.
2. INTERCENTER is prepared to participate in all efforts made to the above ends. It can contribute its expertise, and its unequalled experience over a 12-year period, in connection with such matters as international courses of police training, regional penitentiary training and prospective sociological and criminological research in a multicultural urban environment.
3. Specifically, INTERCENTER would be prepared to consider holding, in Sicily, under the joint auspices of the Centre for Human Rights and INTERCENTER, an international symposium of experts on the global theme: "Human rights and the administration of justice in the context of the new challenges of the twenty-first century (scientific and technological progress, demographic problems, migratory flows, intercultural tensions, etc.)".

INTERNATIONAL FEDERATION TERRE DES HOMMES (FITDH)

1. FITDH would like to see the World Conference on Human Rights held in a State that has not only proclaimed its attachment to the principles of human rights but has also put its highly praiseworthy aims into effect. It would also like the NGOs to be associated with all stages of the preparations for the Conference and to participate actively therein.
2. With reference to paragraph 1 (b) of resolution 45/155, FITDH proposes that the Conference should investigate why the machinery for the monitoring and protection of economic, social and cultural rights is much less highly developed than that for civil and political rights, and that it make

recommendations for further development of the former. The Conference might also examine the problem of the lack of coordination between activities connected with the right to development and the activities of the programmes, specialized agencies and other organizations of the United Nations system that are concerned with development. This lack of coordination can lead to inconsistencies.

3. With regard to paragraphs 1 (c) and (d), the Conference should consider the problem of implementation of the resolutions adopted by the Commission on Human Rights and other bodies on the subject of human rights. These resolutions, which contain many positive elements contributing to progress of the cause of human rights, lose their meaning when not implemented by the States concerned.

4. With regard to paragraph 1 (f), the FIIDH would like the Conference to stress the urgency of increasing substantially the financial and human resources of the United Nations allocated for the human rights programme.

INTERNATIONAL FELLOWSHIP OF RECONCILIATION

1. The International Fellowship of Reconciliation welcomes the plans being made for a World Conference on Human Rights in 1993. Such a Conference will present an historic opportunity to review current international institutions and mechanisms for the protection of basic human rights around the world and, by bringing fresh light onto this most important area of global concern, to provide impetus for the strengthening of these institutions and mechanisms.

2. We are very aware of the extent to which the United Nations system solicits and listens to the voices of non-governmental organizations in the field of human rights. We hope that the World Conference on Human Rights will be truly that - a World Conference which will be designed and organized in such a way that voices from all quarters, governmental and non-governmental, will be able to be heard and which will allow a genuine framework in which a strengthened transnational consensus on human rights and how to promote and protect them can emerge.

3. We are particularly concerned about the development of the means whereby States suspected of being in breach of their human rights commitments and obligations under international agreements can be investigated and, where found wanting, effectively forced to comply. Also, we hope that the World Conference will allow a new look at the question of economic, social and cultural rights now that Cold War tensions have lessened and the extent to which the distinction between such rights and civil and political rights has blinded one party or the other can no longer be excused. The centrality of the concept of justice to the concerns of the World Conference on Human Rights needs to be emphasized.

4. In the debate concerning the World Conference there were many suggestions of value. Among these were three areas which we feel merit special attention:

(a) The importance of education and information in building awareness of human rights. An examination of efforts to teach human rights in primary, secondary, university and professional schools should be carried out. "Informal education" and awareness-building should also be considered.

Information programmes - those of the United Nations, Governments and non-governmental organizations - dealing with human rights should be reviewed with a view to strengthening them;

(b) Human rights in areas of armed conflict. War and violence are destructive of human rights. There should be a close examination of the links between the violation of human rights, armed conflict, refugee flows, internal displacement of peoples due to conflict, respect for humanitarian law and the mediation of armed conflicts;

(c) The most effective use of existing infrastructure at the national, regional, and world level. An examination of existing institutions for the protection of human rights will be at the heart of the World Conference. Such an examination requires independent research and a realistic overview. In the light of this examination, future financial and human resource needs should be discussed and recommendations made.

INTERNATIONAL INSTITUTE OF HUMANITARIAN LAW

The International Institute of Humanitarian Law proposes that the World Conference on Human Rights introduce the special subject which becomes very controversial in its implementation, that is the question of the interrelationships and interdependence between human rights, international humanitarian law, migration law and refugee law.

INTERNATIONAL MOVEMENT ATD FOURTH WORLD

The eradication of poverty: A challenge for the defenders of human rights

1. As the international community prepares to evaluate the progress made and to see what remains to be done in order to realize human rights for all, it faces major challenges created by the world's current problems. One of these challenges is the need to overcome poverty, as stated in the preamble to the Universal Declaration of Human Rights: "... the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people".

2. The persistence of extreme poverty and social marginalization in all countries calls increasingly urgently for action to be taken by the international community. Various United Nations bodies are no longer hesitating to place this question on the agenda for their meetings. These include the Economic and Social Council, the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, UNICEF, UNESCO and ILO. As the Secretary-General of the United Nations pointed out in his 1990 Human Rights Day message, the ending of poverty is an essential stage in the construction of a world of justice and peace.

The very poor remind us of the bases of human rights

3. This realization by these various bodies of the phenomenon of poverty did not occur by chance. One man, Father Joseph Wresinski, who was born in poverty himself, made it possible for a new page of history to be written, the history of the poorest members of mankind, and it was he who enabled them to

be heard. Father Joseph brought the reality of the existence, the experience and the thinking of the very poorest to the attention of these bodies. He secured representation of these people in those bodies. In the overall context of human rights, he revealed how poverty constitutes a deep infringement of the dignity and integrity of those who have to endure it. He made people understand how experience of the life of the poorest people reveals the indivisibility of human rights. Father Joseph and the voluntary workers of ATD Fourth World, by sharing the life of the very poor, rediscovered the basic notion of human rights, namely the inherent dignity of every human being, whatever his social, ethnic or racial origin, his economic status or his way of life. Father Joseph reaffirmed the need to place at the very centre of the debate on human rights man himself, with all his inalienable and indivisible components: "If we only heeded them, the poorest among us would remind us of something we appear to have forgotten, namely the fact that every individual is a human being and that human rights must therefore be defended, not in the name of some idea of law, but in the name of human beings".

The poorest people demonstrate the indivisibility of human rights

4. It is quite apparent that poverty tortures people both in their body and in their mind and affects both the material and the non-material conditions of their existence. It is in this sense that poverty constitutes a violation of human rights as a whole. To combat poverty we must therefore consider human rights as an indivisible whole and we must seek to secure all human rights simultaneously. For those who are totally deprived, the defence of civil and political rights and of economic, social and cultural rights constitutes a single cause.

5. It is important to realize the extent to which economic, social and cultural dependence and life in poverty curb a person's freedom as a citizen. Lacking economic, social and cultural rights, the poorest among us cannot fulfil their family and social responsibilities and are regarded as second-class citizens whom we no longer call upon to participate. Conversely, economic goods granted grudgingly to the very poor cannot free their minds or enable them to feel themselves the equals of other members of the community. The right to bear responsibility and to be useful is a constituent element of human dignity and therefore of human rights.

6. With regard to the indivisibility of human rights, experience of life in an environment of poverty teaches us several things: that civil and political rights and participation in society remain a dead letter if economic and social rights and freedoms do not exist; that the granting of economic, social and cultural rights is a betrayal of human rights if their purpose is not to give freedom through security and knowledge; that human rights are perverted if they do not lead to the possibility of ensuring dignity for all. To quote Father Wresinski: "Populations suffering deep poverty have expressed their belief that to live as a man, as a brother and as a citizen means being able to assume responsibilities. For them human rights take on their real significance and are fully realized only if they enable people to be responsible, in other words to be workers who are recognized, to be parents able to raise their children, to be useful members of a community and to be men and women participating in the future of their country. They thus make us

recognize not only the indivisibility of rights and responsibilities, but also the fact of co-responsibility, which means the indivisibility of individuals and peoples".

The very poor, the first defenders of human rights

7. What Father Wresinski has shown and what the permanent volunteers of our Movement who live with the very poor can testify to is the fact that rejection of poverty is taking root and expressing itself daily in the life of the very poor. These people struggle every day to live in dignity, every day they withstand humiliation and every day they engage in acts conducive to reconciliation despite the violence they have suffered, thus making hope possible despite their inhuman living conditions. By a thousand gestures, the very poor are developing human rights in their daily lives. What was needed in addition, however, was to give meaning to their gestures and to ensure that they were recognized.

8. By founding the International Movement ATD Fourth World together with families living in extreme poverty, some 35 years ago, Father Joseph made a break with conventional welfare action. He developed an associative existence for the very poor, with authorization to be heard and to be recognized in that inalienable dignity which establishes the right to think and to speak for one's community and for the national and international community, as well as to defend those who are even more poor than oneself.

9. Their experience of this life places them in the front rank of the defenders of human rights. Being constantly confronted with violence, the very poor know how all men wish for peace. Living in chaotic conditions, they know the need for harmony; dependent on others, they know the price of freedom; reduced to silence and to social inexistence, they appreciate the value of freedom of speech; abandoned and humiliated, they know the value of love.

Human rights and extreme poverty: A subject about which we must learn

10. It was in 1987, at the forty-third session of the Commission on Human Rights, that Father Joseph asked that body to take up the question of extreme poverty, as a factor which demonstrates the indivisibility of human rights. The Commission has since recognized, in resolutions which it has adopted (1989/10 and 1990/15), that extreme poverty constitutes a violation of human rights, and it has requested the Sub-Commission to examine the question of human rights and extreme poverty. In its resolution 1991/14 the Commission emphasized the need for the poorest themselves to participate in this study, together with those working side by side with them.

11. The Sub-Commission has itself considered the question of extreme poverty and had stressed the need for further study of this question from the standpoint of human rights as a whole, which are indivisible and interdependent. By its decision 1990/119, it initiated a specific study of this question. Extreme poverty has also been examined in the context of Global Consultation on the Right to Development as a Human Right.

12. This combined investigative effort involving the human rights bodies of the United Nations, populations in extreme poverty and those who can bear witness to the condition of such populations constitutes a first step towards the realization of the human rights of the poorest. The association of populations not previously consulted with a study of their situation is itself an action in favour of human rights and a cause for hope.

The World Conference on Human Rights: Hope for the poorest

13. From the remotest centres of poverty in all parts of the world, wherever it is present and wherever it is in contact with individuals and small NGOs which have long been working in this field, the Movement can testify to the hope that has been raised by recognition of the problem of extreme poverty by the human rights bodies of the United Nations. Families who are living in poverty are following this development attentively, but without false hopes, for they know full well that their living conditions will not alter overnight through the mere fact of recognition of their situation. What is vital for them, however, and which completely alters the picture, is knowing that their situation is being taken into account, that they are being heeded and that their efforts, their suffering and their hopes may ultimately benefit all people. What the very poor are hoping for is that the participants in the Conference develop a new way of studying human rights, as a whole and not in a hierarchical manner, and that these rights will be evaluated on the basis of the experience of those who are most deprived of them because of their poverty. "We need you and the world needs us."

Proposals

14. The World Conference on Human Rights can ensure that significant progress is made in combating poverty and therefore in promoting human rights throughout the world. The overwhelming situation of millions of people everywhere who are living in poverty calls for urgent action. For this reason,

Noting the determination of the General Assembly in its resolution 44/155, paragraph 1 (a), "to review and assess the progress that has been made in the field of human rights since the adoption of the Universal Declaration",

Noting also the plan of the Commission on Human Rights, referred to in paragraph 2 of the annex to its resolution 1991/30, to keep in view the indivisibility of all categories of human rights,

The International Movement ATD Fourth World hopes:

- that in evaluating the effectiveness of all instruments for the protection of human rights account will be taken of the situation of the poorest people and of their aspirations;
- that the question "Human rights and extreme poverty" will be placed on the agenda of the Conference as an item of high priority so that, in the light of the situation of the poorest people, the international community may further its understanding of the indivisibility of human rights and of the policies to be pursued so as to enable all human beings to regain their rights and responsibilities;

- that the poorest themselves and the NGOs which are close to them or represent them will be consulted and allowed to give their views on the questions dealt with by the Conference.

INTERNATIONAL ORGANIZATION FOR THE DEVELOPMENT OF FREEDOM OF EDUCATION

1. The World Conference on Human Rights should enable the international community to establish a human rights culture by giving new impetus to the action undertaken in the framework of the world information campaign. It would be desirable for the Conference to contribute to substantial progress in three areas:

- (a) the interdependence and universality of human rights;
- (b) information and education;
- (c) strengthening the machinery for protection of human rights.

2. The progress made in the democratization process, particularly in the countries of central and Eastern Europe, now enables us to see in a new light the interdependence of civil and political rights and of economic, social and cultural rights. The Conference should go a stage further and study in detail the consequences, including the economic consequences, of this interdependence.

3. With a view to effectively promoting this interdependence, we propose that, under the auspices of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, pilot research projects be undertaken in sensitive fields where this interdependence is particularly obvious. These projects might be undertaken by working groups open to the NGOs. One such project might deal with educational rights.

4. While respecting the various cultures and traditions, the Conference should emphasize the importance of the universality of human rights for the establishment of a world community based on law.

5. While human rights have entered into the language and the thinking of the man in the street, much still remains to be done before a real human rights culture is established.

6. During the last decade, many experiments have been carried out with the aim of introducing human rights into systems of education. However, it seems to us that, in order to achieve more concrete results, human rights should be considered, not so much as a subject, but rather as a common ethic of civil society. In this sense, human rights are more a matter of education than of teaching.

7. Viewed in this light, the teaching of human rights poses problems similar to those encountered in teaching values. These are matters requiring priority attention if solutions are to be found that will permit the incorporation of the human rights ethic in the education process, which is the first step towards establishment of a human rights culture.

8. It is therefore essential to strengthen the United Nations machinery for the protection of human rights. In our view, such strengthening necessarily calls for expansion of the rights of individuals vis-à-vis the human rights committees and a transformation of the role of the committees. As a first step, the Committee on Economic, Social and Cultural Rights should have the same competence as the Human Rights Committee, particularly as regards the right to receive communications. In a second stage, the two Committees could become a first instance for considering receivability and for examining cases, which they would then transmit to a Human Rights Court of Justice based on the European Court of Human Rights.

9. We deplore, incidentally, the almost total absence of debate in the Commission on Human Rights, but especially in the Sub-Commission, on the question of educational rights, the importance of which has been fully demonstrated. In particular, we regret that the right to freedom of education, which is specifically mentioned in both the Universal Declaration and the Covenants, has never been the subject of any major study or debate.

INTERNATIONAL ORGANIZATION OF JOURNALISTS (IOJ)

The non-governmental organization community in general and the IOJ in particular can greatly contribute to the realization of these objectives. Journalists and the mass media have been extremely active in recent years in examining situations where human rights are violated and in evaluating the work of intergovernmental organizations, including the United Nations and its mechanisms, in the field of human rights. More than 250 journalists have been killed during the last three years while performing their duty of responsibly informing their public. Many of them were silenced forever for exposing violations of human rights by Governments or vested interests.

INTERNATIONAL P.E.N.

1. The role of the non-governmental organizations in the framework and activities of the World Conference on Human Rights should be revised so as to make NGOs full and equal partners of representatives and Governments. As they represent public opinion, they are therefore entitled to a role similar to the one they enjoy in the International Labour Organisation or in parliaments vis-à-vis the executive.

2. NGOs in particular should be associated with all the negotiations initiated by the Conference and information submitted by them be considered in the same way and on equal terms as information coming from other sources, private or public.

3. Freedom of expression should be emphasized and its importance both as an indicator and as an agent of human rights promotion should be reviewed and stressed, and all means of defending and securing this essential right should, with the help of the NGOs concerned, be analysed and restated.

INTERNATIONAL STUDIES ASSOCIATION

1. The United Nations General Assembly should create the position of, and the Secretary-General should appoint a person to be, High Commissioner for Human Rights. The main duties of this office would be to:

- (a) Monitor the global human rights situation;
- (b) Issue early warnings about impending gross violations; and
- (c) Provide good offices for the peaceful resolution of human rights problems.

2. The United Nations Commission on Human Rights, under the "1503 procedure", should publish rapidly not only the names of States found to exhibit a pattern of gross violations of internationally recognized human rights, but also a summary of the details leading to that judgement. This should be done within a very short time in order to have a greater impact on such situations.

3. The Secretary-General should present an annual report on global human rights, designed to draw attention to pressing problems. This should accompany the annual report to the General Assembly in September. This would be more thematic and policy-oriented than the reports of the annual sessions of the Commission on Human Rights that are published each February. It would serve to coordinate and highlight many disparate reports now coming out of the United Nations system.

4. An appeal should be made to Member States to increase voluntary funding for human rights technical services made available through the United Nations to requesting States. In this regard, the United Nations should expand its files concerning those lawyers, political scientists and others willing to serve through the organization as experts on various human rights subjects. An expanded United Nations programme of advisory services could do much to help not only States from the developing world, but others as well, to improve the human rights dimensions of governing institutions.

INTERNATIONAL UNION OF LOCAL AUTHORITIES (IULA)

1. IULA would be in favour of a World Conference on Human Rights particularly at a time when totalitarian Governments are being replaced by more democratic ones. While there is satisfaction that this development is taking place, we should not be complacent about the future. One of the lessons we should have learned from the situation in Eastern European countries is that citizens should demand a Government based on the rule of law and one that guarantees its citizens such basic rights as freedom of speech and assembly, shelter and food; opportunities for gainful employment; and freedom from fear of unlawful search and arrest, government by a small minority and the ignoring of the needs of the weaker members of society.

2. One of the ways in which these freedoms can be protected is by ensuring that citizens are able to influence decisions which affect their daily lives. At its 27th World Congress in Rio de Janeiro in 1985, IULA adopted a Worldwide Declaration on Local Self-Government which our national local government

associations were urged to submit to their national Governments for support on the international level. It is our firm belief that by strengthening local government, a whole country is strengthened, and that by promoting decision making at the local level, the wishes and needs of the citizens are more likely to be taken into account and basic human rights secured.

3. Although local government is not in the remit of the Centre for Human Rights as such, we believe that it underlies what the Centre stands for and how it puts its policies into practice. We would therefore like to suggest that local decision making by locally elected representatives should be incorporated into the reports submitted to the General Assembly by the Centre.

LATIN AMERICAN FEDERATION OF ASSOCIATIONS OF
RELATIVES OF DISAPPEARED DETAINEES (FEDEFAM)

Objectives

1. FEDEFAM considers that the question of the constant and systematic violation of civil and political rights, as well as the increasing deterioration of economic, cultural and social rights, in the countries of North, Central and South America and the Caribbean - the geographical region in which we carry out our activities, should be discussed at the World Conference on Human Rights with a view to adapting and intensifying the efforts of the world community so as to secure full enjoyment of and respect for human rights as a whole.

2. If we fully recognize the importance of the holding of a World Conference on Human Rights "for the effectiveness of joint action by the United Nations and Member States to guarantee through international cooperation the promotion, effective implementation, protection and defence of human rights", we must first of all determine what in practice will be the means whereby States may commit themselves to this end. It will therefore be important to set as an objective for the World Conference on Human Rights the signing and ratification by all Member States of all the conventions, covenants and protocols dealing with human rights, the latter being considered to be indivisible and interdependent.

Participation

3. For the World Conference to be successful, it will be necessary, in FEDEFAM's view, for there to be broad participation in it by all sectors of society and the attendance must not be confined only to the Member States. To ensure really broad participation, special importance must be attached to the preparatory work in the various countries, in the course of which individuals, through their representative organizations, may put forward their aspirations and suggestions.

4. As far as Latin America is concerned, our Federation is committed to making every effort to ensure that the Conference will not be viewed as a merely formal event, but that it will produce educational and juridical results benefiting human rights in the countries of the region. We therefore

attach importance to the Preparatory Committee's strengthening of the work of the NGOs to these ends, particularly in those countries in which there have been systematic violations of human rights by the State.

Site

5. FEDEFAM considers that it would be improper, from every standpoint, for the World Conference on Human Rights to be held in a country in which human rights are being violated.

Agenda

6. With regard to the agenda for the Conference, our primary concern, as we have already indicated, is the fact that some States have not become parties to the international instruments on human rights, and also the fact that there are some States which have ratified treaties but are not implementing them.

7. We feel that the failure to secure implementation of the established rules concerning human rights constitutes a grave problem which reduces the credibility of the international instruments and of the United Nations itself. Perhaps one of the best examples of this is what is happening in Latin America. In this region, States which claim to observe and to be working for human rights have - for decades - been violating these rights systematically, do not take measures to guarantee them or fail to convict officials for violations which they have committed. A case in point is the impunity enjoyed by those responsible for the enforced disappearance of persons and other serious offences against human rights.

8. We believe that the United Nations must find methods of protecting and upholding human rights that will be binding on States. We also believe that the legislation of States should be made consistent with their international undertakings. Where this is not done, the population of the State concerned is virtually defenceless against the repeated abuses committed against it.

9. We wish to repeat that human rights are being ignored in the great majority of Latin American States, either through acts or omissions. The continued occurrence of the enforced disappearance of persons, of unlawful deprivation of liberty, of torture, of murder, etc., together with the lack of respect for economic, social and cultural rights and the intervention of foreign countries in the internal affairs of the countries of our continent, are among the most urgent matters to be dealt with realistically and honestly by the Conference if it is to be of benefit to the world's peoples.

10. The United Nations must tackle this question frankly and recognize that, despite all the years which have passed, the complaints which have been made and the rules which have been adopted, people still do not enjoy, for example, real protection against genocide and ethnocide.

REGIONAL COUNCIL ON HUMAN RIGHTS IN ASIA

1. The Regional Council on Human Rights in Asia, with regard to the World Conference's first objective to review and assess the progress that has been

made in the field of human rights since the adoption of the Universal Declaration of Human Rights, and ways in which obstacles to further progress in this area can be overcome, proposes that the following phenomena, particular to developing countries, be specifically discussed at the Conference:

- (a) States of emergency, military governments and the role of the military and police in civilized society;
- (b) Review of the definition and impact of the "doctrine of national security";
- (c) Use of laws and jurisprudence in furtherance of the "doctrine of national security";
- (d) Preventive detention, arbitrary arrest and detention, arrest without judicial intervention.

2. The Regional Council on Human Rights in Asia, with regard to the World Conference's second objective to examine the relation between development and the enjoyment by everyone of economic, social and cultural rights as well as civil and political rights, recognizing the importance of creating the conditions whereby everyone may enjoy these rights as set out in the International Covenants on Human Rights, proposes the integration of the following specific topics in the Conference Agenda:

- (a) Foreign debt, structural adjustment in relation to human rights;
- (b) Effects of development aid, development policies and strategies on rights and freedoms;
- (c) Activities, policies and framework of operations of the different specialized economic agencies (e.g. International Monetary Fund, World Bank, United Nations Development Programme, United Nations Conference on Trade and Development, etc.) and their impact on human rights.

SERVICE JUSTICE AND PEACE IN LATIN AMERICA

Service Justice and Peace in Latin America recommends the holding of Regional Conferences prior to the World Conference; that the host country must specifically respect the Universal Declaration of Human Rights; that the host country must be a developing country; and that every representative at the World Conference have an equal voice and voting rights.

SIERRA CLUB LEGAL DEFENSE FUND

1. For several years, Sierra Club Legal Defense Fund has been actively involved in human rights work at the United Nations due to our own interest and to our close association with Friends of the Earth International. In our capacity as counsel for Friends of the Earth International, we urged the Sub-Commission on Prevention of Discrimination and Protection of Minorities to begin addressing the critical issue of human rights and the environment. We

were very pleased that both the Sub-Commission and the Commission on Human Rights have wholeheartedly approved initiatives, and that there is now a Special Rapporteur of the Sub-Commission, Mrs. Fatma-Zohra Ksentini, assigned to prepare a study on human rights and the environment.

2. This initiative on human rights and the environment is especially important in enhancing the objectives of the World Conference on Human Rights because it clearly exemplifies what the General Assembly refers to as "new challenges that lie ahead" (Resolution 45/155, 6th preambular paragraph). We are convinced that the long-neglected topic of human rights and the environment will be one of the most important human rights issues well into the twenty-first century and rightly merits special attention by the World Conference on Human Rights.

3. One way that the Conference could highlight human rights and the environment is to facilitate the participation of Mrs. Ksentini so that she can contribute in a meaningful way in the Conference and its Preparatory Committee. The General Assembly encouraged special rapporteurs to take part in the work of the Preparatory Committee (Resolution 45/155, para. 9). It is to be hoped that funds will be made available for Mrs. Ksentini (and other rapporteurs) to attend the sessions of the Preparatory Committee, as participation in the Conference was not contemplated when the budgets for the studies were prepared.

4. Our concern that human rights and the environment should be given a prominent place at the Conference is in harmony with our overall view that the Conference should focus its attention on emerging areas of human rights law rather than on more traditional ones. Of course, the more traditional areas should not be ignored: the General Assembly has placed a high priority on the assessment of progress in human rights since the promulgation of the Universal Declaration of Human Rights (Resolution 45/155, para. 1). Because far more progress has been made in some of the more traditional areas of human rights than in other areas, it is logical to assume these areas will receive great attention in assessment. However, we feel that the international community has defined and codified human rights law in many of these areas (torture, discrimination, apartheid, slavery protection of criminal suspects). For them, the need is for compliance and enforcement. Other areas, including human rights and the environment, have as yet to be adequately developed. It and other areas of emerging human rights concerns are rapidly overwhelming us all and must be effectively addressed.

5. Two other issues related to human rights and the environment concern us: the rights of indigenous peoples, especially those living in accordance with traditional ways (a cultural rights issue) in areas increasingly threatened by ecological devastation; and the issue of economic justice, especially as it relates to addressing problems of extreme poverty and the equitable distribution of the world's resources. These compelling concerns are contemplated by the General Assembly in resolution 45/155, paragraph 2. We urge the Conference to pay careful attention to these issues.

6. In light of the nature of many of the emerging human rights problem areas, we especially urge attention to be given to the issue of information. This includes full disclosure by Governments and those acting with government authorization, the right to accessible and relevant information, and all aspects of the right to know. The right to information is inherent in promoting and protecting democratic governance, health, safety, ecological balance, alleviation of poverty, equitable distribution of resources and full realization of economic, social and cultural rights. We urge the Preparatory Committee to invite UNESCO, ILO and other relevant programmes and specialized agencies of the United Nations and others to submit recommendations on this critical topic.

7. We would also like to urge that the Preparatory Committee and the Conference as a whole pay special attention to the issue of remedies for human rights violations. The wide range of human rights violations suggests that a wide range of remedies ought to be available. In this light, we would like the Conference to consider ways of incorporating some of the more traditional domestic anticipatory remedies - injunctions, restraining orders, etc. - into the United Nations mechanisms. We would also like to encourage creative thinking on ways to assess and enforce financial damage remedies in the United Nations mechanisms.

8. Sierra Club Legal Defense Fund has been active in the Organization of American States and the Inter-American Commission on Human Rights. In the future, we intend to work with all the regional human rights forums. These forums have their own special contribution to make in promoting and protecting human rights. We urge the Preparatory Committee to seek the active participation of regional forums in the Conference, as set out by the General Assembly in resolution 45/155, paragraph 10.

WORLD JEWISH CONGRESS

1. In accordance with paragraph 10 of General Assembly resolution 41/155, the World Jewish Congress wishes to submit its views to the Preparatory Committee on the issues which should find their place on the agenda of the proposed 1993 World Conference on Human Rights.

(a) The strengthening of measures to ensure the indivisibility of civil, political, economic, social and cultural rights;

(b) Intensification of efforts to obtain the universal ratification of the Convention on the Prevention and Punishment of the Crime of Genocide and for the extension of the definition of genocide to include cultural genocide, i.e. any deliberate act aimed at destroying the language, religion or culture of a national, racial or religious group on grounds of national or racial origin or religious belief;

(c) Promotion of optimal coordination of the work of the treaty bodies monitoring human rights, notably under the two Covenants, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child. Further, the International Conference should extend the process of the rationalization of

the work of the human rights treaty-monitoring bodies to a point at which proposals could be envisaged for the institution of an International Court of Human Rights. Its panels and organs should contemplate embracing, on a truly systematized and consolidated basis, the functions of all the existing and prospective human rights treaty bodies;

(d) Consideration of practical proposals for the fusion of the work of all Special Rapporteurs on country situations and Rapporteurs dealing with human rights violations on a thematic basis, with a view to the institution of an Office of a United Nations High Commissioner - or Attorney-General - for Human Rights. This proposal has been considered under many forms, including the appointment of a universal Ombudsman for Human Rights.

2. The World Jewish Congress further urges the World Conference on Human Rights to support the effective implementation of the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, especially by encouraging the elaboration and adoption of a binding United Nations Convention based thereon, as recommended by the Rapporteurs of the United Nations Commission and of the Sub-Commission dealing with this question.

3. The World Jewish Congress also considers that the World Conference would be an appropriate forum for endorsing the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities, which has completed its first reading by the working group of the Commission on Human Rights. The World Jewish Congress has drawn the attention of the working group to the relevance of the provisions of the Charter of Paris adopted by the 34 Member States of the Conference on Security and Cooperation in Europe on 21 November 1990, expressing their determination to combat all forms of racial and ethnic hatred including, specifically, anti-Semitism, xenophobia and discrimination.

4. In this connection, the World Jewish Congress plans to hold a world conference on the phenomenon of anti-Semitism as one of the most archetypal forms of racism, intolerance and xenophobia to which there is no reference in any international human rights instrument other than the Charter of Paris. The findings of such a conference, held at the highest academic and scientific level, would be transmitted to an appropriate United Nations human rights forum, including possibly the 1993 World Conference on Human Rights, as a contribution to eliminating all forms of intolerance, discrimination, racism and xenophobia.

5. The World Jewish Congress also wishes to stress the importance which it attaches to the endorsement by the World Conference of universal human rights norms in all relevant contexts so that the values of the principle human rights instruments, as expressed in the Universal Declaration, the Conventions, the Covenants and other relevant human rights instruments, are effectively applied to refugee situations, notably in the international protection of refugees with regard to the right to seek asylum from persecution and in the respect of the principle of non-refoulement.

6. The World Conference is also urged to promote the widest possible application of universal principles of human rights norms and standards in the field of humanitarian law applicable to armed conflicts as well as in other fields of humanitarian endeavour.

REPORT ON THE NGO CONSULTATION ON THE
WORLD CONFERENCE ON HUMAN RIGHTS*

(United Nations Headquarters, New York, 12 June 1991)

A one-day seminar organized by the NGO Committee on Human Rights/New York with the co-sponsorship of the United Nations Centre for Human Rights

Submitted by the following organizations which comprise the Bureau of the NGO Committee: Bahá'i International Community; B'nai B'rith International/CBJO; Friends World Committee for Consultation; International Alliance of Women; International Association for Religious Freedom; International League for Human Rights; Lutheran Immigration and Refugee Service.

INTRODUCTION

"The General Assembly,

"(...)

"Requests Governments, the specialized agencies, other international organizations, concerned United Nations bodies, regional organizations and non-governmental organizations concerned with human rights to assist the Preparatory Committee and to undertake reviews and submit recommendations on the Conference and its preparation to the Preparatory Committee through the Secretary-General and to participate actively in the Conference..." (resolution 45/155, para. 10).

Consequently, the NGO Committee on Human Rights/New York, a committee of the Conference of NGOs in Consultative Status with the Economic and Social Council (CONGO), convened an NGO consultation at United Nations Headquarters, New York on 12 June 1991. Approximately 65 NGO representatives, including human rights experts and observers from nine Permanent Missions, heard three keynote speakers in the opening plenary session: Mr. Liviu Bota, Coordinator

* The International Council of Jewish Women and the World Federation of Methodist Women submitted a contribution of joint recommendations prepared for the NGO consultation, the contents of which are largely reflected in the report of the Consultation. That paper is available from the Secretariat.

for the World Conference on Human Rights, United Nations Centre for Human Rights; H.E. Mr. Andreas Mavrommatis, Ambassador and Permanent Representative of Cyprus to the United Nations; Mr. Daniel N. Wegener, Chair, NGO Committee on Human Rights/New York and Bahá'í International Community Representative to the United Nations. The opening plenary session was chaired by Mr. Ralston Deffenbaugh, Executive Director of the Lutheran Immigration and Refugee Service; the closing plenary was chaired by Mr. Harris Schoenberg, Director, United Nations Affairs, B'nai B'rith International/CBJO.

Subsequently, the participants formed three working groups to hear and discuss papers and proposals on a wide range of issues. The working groups included:

Working Group I: "Implementation of existing United Nations standards and effectiveness of mechanisms";

Working Group II: "Standard setting: developing new elements and refining old ones";

Working Group III: "Promotion of human rights information and a successful World Conference on Human Rights".

The recommendations discussed in the three working groups are summarized below. It is the policy of CONGO that its committees may not speak on behalf of CONGO nor of the NGOs that comprise its committees. Therefore, it is important to note that the NGO Committee on Human Rights offers this document strictly as a report of what transpired during the Consultation. The views expressed herein do not represent the official views of the Committee, nor of its members. The participants in the Consultation represented a wide range of NGOs. They included not only NGOs specializing in human rights issues, but also NGOs whose field of interest comprised these issues and others related to human rights. (See list of participants attached.) For this reason, the recommendations include a wide range of ideas expressed with varying degrees of precision. Some issues were discussed in more than one working group, which resulted in some repetition. At the closing plenary, the rapporteurs of the working groups presented the recommendations of the working groups, which were accepted without debate. The enthusiasm and interest of NGOs in the World Conference on Human Rights was evident throughout the consultation and is reflected in the following report.

WORKING GROUP I: "IMPLEMENTATION OF EXISTING UNITED NATIONS
STANDARDS AND EFFECTIVENESS OF MECHANISMS"

Recommendation Number One: International Criminal Court

1. Whereas the most fundamental human right is the right to life - which includes freedom from being killed in a war of aggression - the world community has an obligation to prevent the crime of aggression and all other crimes usually associated with it, such as rape, pillage, arson, devastation of communities, hostage-taking, terrorism, as well as war crimes and crimes against humanity.

2. Therefore, it is recommended that the Preparatory Committee include on the agenda of the World Conference on Human Rights in 1993 an item entitled "Establishment of an International Criminal Court to deal with all international crimes that violate human rights".

Recommendation Number Two: The Human Rights of Women

3. In order to strengthen human rights implementation, it is necessary to ensure the recognition of women's human rights and the participation of women at every level of the national and international systems. For example, women should be included in the monitoring bodies of the various human rights instruments and they should be involved in an increased number at all levels in advisory services programmes. These services should be further developed.

4. There should be much more intensive coordination among the different monitoring and deliberating bodies, including the Committee established under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Commission on the Status of Women. This should result in a periodic review of methods of work.

5. When cultural practices violate the dignity of the human person, in particular that of women, they should not be considered cultural "rights" for they violate the rights as conceived in the Universal Declaration of Human Rights and in the legal instruments which have been derived from it.

6. There should be more attention given to the impact of scientific and technological developments on human rights and consultation on these subjects should include women as well as men, the young as well as the ageing. In particular, there should be a study on the impact of the use of biotechnologies on women and children, especially in the developing countries.

7. A background paper for the World Conference should be prepared by the Centre for Human Rights on the historical and contemporary treatment of women's human rights issues by the Commission on Human Rights, the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee against Torture, and all other human rights bodies in the United Nations system.

8. Complaints concerning women's human rights should be considered under the complaint procedures of the Commission on Human Rights. Women's human rights issues falling within the mandates of established human rights procedures, such as those of special rapporteurs and treaty bodies, should be considered under those procedures. For example, complaints concerning the torture of women should be considered in the course of work of the Special Rapporteur on torture.

9. Considering the symbolic as well as practical importance of delegation membership, Member States should be urged to include a significant number of women in their delegations to the General Assembly, ECOSOC, the Commission on Human Rights and other United Nations bodies. To the extent possible, these women should possess a degree of seniority within the delegation.

10. The bodies served by the Centre for Human Rights and the Division for the Advancement of Women should continue to develop and reinforce the exchange of information between them, with a view towards increased cooperation in standard setting and implementation of treaties. To that end, a framework for exchange of reports between the Commission on Human Rights and the Commission on the Status of Women should be established, as well as a schedule of regular meetings between the chairpersons of the two bodies.

11. The World Information Campaign should be intensified and Member States should be urged to introduce "legal literacy" courses, i.e. knowledge of rights and responsibilities at all educational levels, from primary to post-graduate schools.

Recommendation Number Three: Strengthening the Human Rights Implementation Mechanisms

12. With the chief purpose being to strengthen the human rights implementation mechanisms, the following recommendations are proposed:

- A. Increase staff to handle the appeals and allegations of violations submitted to the thematic rapporteurs; increase resources to assure follow-up by the rapporteurs, on-site visits by the rapporteurs and their consultants, if any, and other measures aimed at advancing the protection of human rights and the end of violation of those rights.
- B. Extend the mandates of the thematic mechanisms and rapporteurs to establish permanent mechanisms to undertake these responsibilities.
- C. In the interest of further strengthening the structure which promotes and protects human rights, the creation of a new post of High Commissioner for Human Rights is recommended.

Recommendation Number Four: Refugees and Human Rights

13. Noting that there is no separate United Nations body to facilitate information sharing and coordination between the bodies of the United Nations, such as between the Centre for Human Rights and UNDP or UNHCR, we recommend that the United Nations Secretariat prepare studies demonstrating the working links between such bodies in the interest of strengthening the work of human rights monitoring and implementation. Special attention should be paid to violation of the rights of refugees.

Recommendation Number Five: Self-Determination

14. Because the culture, traditions and environment of indigenous peoples should be respected, it is recommended that the 1993 World Conference on Human Rights strengthen the right to self-determination of all peoples by ensuring a full opportunity for indigenous peoples, and for all peoples who are victims of colonialism, to participate in the preparatory process of the World Conference.

WORKING GROUP II:

"STANDARD SETTING: DEVELOPING NEW ELEMENTS
AND REFINING OLD ONES"

Recommendation Number One: Sexual Exploitation

15. Many international women's human rights achievements are seriously threatened by a severe regression in women's conditions through the massive sexual exploitation of women, especially in prostitution. Throughout the world today prostitution has been "normalized" by the widespread culture of violence against women. Industrialized prostitution such as sex tourism and mail order brides take the form of multinational conglomerates specializing in producing packages of sexual services. Women in the migration process, refugee women and displaced persons are among the most vulnerable groups to prostitution and sexual exploitation today. Prostitution deeply aggravates harm experienced by women in these situations.

16. Pro-prostitution organizations have fused women's rights with "prostitution rights". Prostitution cannot exist as a right because, as a violation, it usurps and negates prostitute women's already established right to human dignity, bodily integrity and physical and mental well-being and it constitutes a severe condition of sex discrimination.

17. Today the 1949 Convention for the Suppression of Traffic in Persons and of the Exploitation of the Prostitution of Others has only limited value in protecting women's human rights because (1) it promotes decriminalization which frees the customer to buy sex which is to buy a body, and that legitimates prostitution, and (2) it ignores the effect of sexual exploitation in prostitution and the role of prostitution in the overall subordination of women in society. However, because of its prohibition of pimping, it is recommended that the World Conference consider the need to strengthen the 1949 Convention, especially in terms of monitoring.

18. Also, it is recommended that the World Conference consider that there is a need for a new approach to prostitution which recognizes that it sexually exploits and victimizes women based on universal standards of human rights applicable to all persons exploited sexually and, therefore, propose the elaboration of a new United Nations Convention against sexual exploitation which should incorporate the following elements:

- A. It is a fundamental human right to be free of sexual exploitation.
- B. Sexual exploitation is a practice by which person(s) achieve sexual gratification or financial gain or advancement through abuse of a person's sexuality by abrogating that person's human right to dignity, equality, autonomy, and physical and mental well-being.
- C. Sexual exploitation takes the forms of but is not limited to sexual harassment, rape, incest, wife abuse, pornography and prostitution. Exploitation of prostitution includes casual, brothel, military, pornographic prostitution and sex tourism, mail order brides, and trafficking in women.

D. As sexual exploitation violates human rights, in prostitution we must depenalize the prostitute, penalize the customer and anyone who promotes sexual exploitation to achieve sexual gratification or financial gain or advancement, including pimps and procurers.

E. Sexual exploitation violates the human rights of anyone subjected to it, female or male, adult or child, western or third world person. Therefore, this definition rejects any of these distinctions as artificial and serving to legitimize some prostitution.

F. Sexual exploitation preys on women and children made vulnerable by poverty and underdevelopment, their status as refugees or displaced persons, and economic policies which promote immigration for labour.

G. Sexual exploitation of women through prostitution victimizes women both within and outside of prostitution. When prostitution is accepted and normalized, what is legitimized is the sale of the body and sex of the individual prostitute and it is the sale of any woman. It reinforces the societal equation of women with sex which reduces women to less than human and contributes to sustaining women's second-class status throughout the world. When prostitution is accepted, what is legitimized is not only the sale of sex and of the individual prostitute, the sale of a woman, but is also the sale of any woman.

19. It is requested that relevant NGOs and UNESCO be asked to make available appropriate background papers on this issue, for example, "Final Report: International Meeting on the Convention for the Suppression of Traffic in Persons and of the Exploitation of the Prostitution of Others", April 1991, to be issued in July 1991 by UNESCO (draft developed by the Coalition Against Trafficking in Women); "Prostitution, Sexual Violence and Victimization: Feminist Perspectives on Women's Human Rights" by Kathleen Barry, Executive Director, Coalition Against Trafficking in Women; and "Legal Analysis of the 1949 Convention for the Suppression of Traffic in Persons and of the Exploitation of the Prostitution of Others" by Pamela Jackson for the Coalition Against Trafficking in Women.

Recommendation Number Two: The Promotion and Protection of the Human Rights of Women.

20. Problems faced by women, particularly those arising from traditional practices or when taking place in the home, have usually been approached as a question of social and economic development and not as human rights issues. No fact-finding, complaint or recourse procedures comparable to those established in the human rights field exist under the international standards and mechanisms for women.

21. The World Conference on Human Rights could play an extremely important role in sensitizing international public opinion to this disparity and promoting action to redress this situation, in which women are either made invisible or marginalized. It is urged, therefore, that the Conference:

- A. Include in its agenda as a priority issue an item entitled "The promotion and protection of the human rights of women";
- B. Call on international human rights treaty bodies and other human rights bodies to take fully into account the situation of women in their interpretation of human rights provisions and in their supervisory and other activities;
- C. Examine the shortcomings of the current communications procedure of the Commission on the Status of Women, with a view to recommending that the latter's mandate be expanded in a manner comparable to that of the Commission on Human Rights in order to empower it to consider complaints, to identify situations of human rights violations specific to women and to recommend remedial action;
- D. Consider the possibility of recommending the drafting of an optional protocol to the Convention on the Elimination of All Forms of Discrimination Against Women authorizing the relevant Committee to receive and act upon individual complaints;
- E. Consider the possibility of recommending the appointment of a thematic Rapporteur of the Commission on Human Rights on the promotion and protection of the rights of women who would, in cooperation with intergovernmental, governmental and non-governmental organizations in the human rights and women's rights fields, in particular the Commission on the Status of Women and CEDAW, identify practices that violate the human rights of women, monitor situations, evaluate standards and mechanisms and stimulate action as necessary;
- F. Consider recommending that the World Public Information Campaign for Human Rights should be used to inform women regarding their human rights and on how to use existing international mechanisms to seek implementation of those rights, as well as to sensitize international public opinion regarding violations of the human rights of women;
- G. Consider recommending that the programme of technical assistance in the field of human rights and other technical cooperation resources of the United Nations system should be used to combat practices which violate the human rights of women and to assist the victims.

Recommendations to the Preparatory Committee

- H. The chairpersons of the Committee on the Elimination of Discrimination Against Women and of the Commission on the Status of Women, or their representatives, should be invited to participate in the meetings of the Preparatory Committee.
- I. Member States should be urged to ensure full equitable participation of women in their delegations to the Preparatory Committee and the World Conference, and in particular to ensure that women are adequately represented in both Bureaux

J. Human Rights NGOs should be called upon to devote particular attention to abuses of the basic rights of women in their work, particularly with regard to preparations for the World Conference;

K. Women's NGOs should be called upon to participate actively in the meetings of the Preparatory Committee and in the World Conference;

L. The Secretary-General of the World Conference and the Centre for Human Rights should be called upon to include the question of the promotion and protection of the human rights of women in all preparatory work for the World Conference, as well as in the proposed provisional agenda;

M. The Secretary-General of the World Conference should be requested to suggest to the Preparatory Committee that the background documentation for the Conference should include reports on the various issues addressed above under (B) and (G) relying, where appropriate, on documentation already available in the United Nations system and the NGO community.

Recommendation Number Three: Proposals for Action in the Field of Religious Intolerance

22. The World Conference on Human Rights is requested to consider the following proposal:

23. Noting that the United Nations through the adoption of conventions and declarations, the undertaking of studies, and other activities such as seminars and advisory services, has made a positive contribution to the reduction of religious intolerance,

24. Recognizing, notwithstanding the above measures, that religious intolerance and discrimination continues in all continents resulting in serious deprivation of human rights,

25. Affirming the need to strengthen existing measures and the need to develop additional instrumentalities to reinvigorate United Nations efforts in this field,

A. Calls upon the Commission on Human Rights to authorize the Special Rapporteur on religious intolerance actively to seek out information and initiate inquiries into alleged violations, and to undertake on-site investigations;

B. Requests the Committee on Human Rights of the Covenant on Civil and Political Rights to complete a general comment on article 18 of the Covenant which pertains to religious freedom;

C. Requests the Secretary-General to organize a seminar on the interrelationship between the enjoyment of the right to freedom of thought, conscience, religion and belief and other human rights and fundamental freedoms, as well as a global consultation on the promotion of human rights standards in various societies, cultures and religions;

D. Authorizes the Human Rights Committee, after completion of the general comment on article 19 to hold a special session to draft an optional protocol to the Covenant on Civil and Political Rights.

Recommendation Number Four: A United Nations Declaration on the Right to Leave One's Country and to Return

26. It is requested that the Preparatory Committee of the World Conference and the World Conference urge the Sub-Commission on Prevention of Discrimination and Protection of Minorities and its parent bodies to bring to fruition the important and long-delayed norm-setting task of promulgating an international declaration codifying article 13 (2) of the Universal Declaration of Human Rights.

Recommendation Number Five: The Human Right to Self-Determination

27. It is requested that the Preparatory Committee and the World Conference consider the following proposal:

28. Noting that there are two standards already accepted by the United Nations for the application of self-determination, the first being colonial domination, the second, under the 1970 Declaration of Principles of International Law Concerning Friendly Relations and Co-operation Among States in accordance with the Charter of the United Nations, being non-representation.

29. It is recommended that the United Nations adopt a third standard. The third standard should be genocide. For if colonial domination or non-representation is sufficient grounds to invoke self-determination, then the horrendous crime of genocide is an even more compelling reason to grant that right, provided, in this as in all cases, the subject of the right does not menace its neighbours. The international recognition of this concept might help to deter those considering genocide.

Recommendation Number Six: Anti-Semitism

30. It is recommended that the Preparatory Committee and the World Conference consider the following proposal:

31. The time has come for the United Nations to take up the struggle against anti-Semitic bigotry as part of its ongoing campaign against all forms of racial discrimination and religious intolerance.

32. The Sub-Commission on Prevention of Discrimination and Protection of Minorities is requested to prepare a study on anti-Semitism, which would then lead to a United Nations declaration on the subject.

33. Also, the United Nations Centre for Human Rights is requested to conduct seminars on the subject with participants from all parts of the world, as it is only by educating the post-Holocaust generation that we can hope to ensure that the horrors of the past will never recur.

Recommendation Number Seven: Impunity for Crimes Against Humanity, War Crimes and other Serious Violations of Human Rights

34. Some NGOs have been working to have the issue of impunity taken up by the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities, and hope that the Sub-Commission in its August 1991 session will do so. These NGOs are asking that the Sub-Commission appoint an expert to study the issue for one year, and then present a report to the Sub-Commission in August 1992, allowing the Sub-Commission to approve a resolution and to send it to the Commission on Human Rights at its forty-ninth session in 1993. The Commission could then set guidelines for dealing with the issue of impunity.

35. If, by 1993, the Commission on Human Rights has not set guidelines for dealing with the issue of impunity, it is recommended that:

A. The World Conference on Human Rights analyse the issue of impunity for violators of human rights, and approve a document containing guidelines to prevent it. That document should be sent to the Commission on Human Rights, for it to develop appropriate standards.

Alternatively, the following should be considered:

B. The World Conference should pronounce its own declaration against impunity for crimes against humanity, war crimes, and other serious violations of human rights.

C. The World Conference should appoint a committee against impunity with the participation of NGOs and persons having suffered from impunity with the purpose of monitoring situations in different parts of the world where those responsible for such crimes remain free from prosecution and/or punishment.

D. The World Conference should set guidelines for national laws that grant any sort of impunity for violators of human rights. If the Conference finds it necessary, a mandate to work on a convention against impunity for crimes against humanity, war crimes and other serious violations of human rights should be given to the Commission on Human Rights.

E. The World Conference should set guidelines to initiate a worldwide campaign of information and education about the responsibility *vis-à-vis* the Member States and the international community of those responsible for violations of human rights.

Recommendation Number Eight: NGO's Parallel Activities

36. It is recommended that an NGO Forum be organized concomitantly with the official World Conference on Human Rights to which all NGOs would be invited to attend and in order to allow the useful interaction between participants in both the Conference and the Forum. The Nairobi forum was cited as a valuable precedent.

Recommendation Number Nine: Women and Health

37. The World Conference should look at the issue of women and health in all its various aspects.

Recommendation Number Ten: International Humanitarian Intervention

38. The World Conference on Human Rights should elaborate the justification for humanitarian intervention as well as the limits and dangers of such intervention.

Recommendation Number Eleven: Interrelatedness of Rights

39. The World Conference on Human Rights should look at the interrelationship of violence and repression associated with the denial of economic, social and cultural rights and violence and repression associated with the violation of civil and political rights.

Recommendation Number Twelve: The Illegal Use of Armed Forces

40. The World Conference on Human Rights should look at the role and functions of armed forces since, in many instances, they function outside the law.

Recommendation Number Thirteen: Ending Capital Punishment

41. The World Conference on Human Rights should examine ways to promote the eventual elimination of capital punishment.

WORKING GROUP III:

"PROMOTION OF HUMAN RIGHTS INFORMATION AND A SUCCESSFUL
WORLD CONFERENCE ON HUMAN RIGHTS"

42. The following recommendations are given in the interest of mobilizing human and material resources, creating greater public awareness and affecting the lives of people by allowing them the opportunity to live within the light of human rights.

43. Governments should be encouraged to include representatives of grass-roots groups in their delegations to the Preparatory Committee.

44. The Preparatory Committee should insist on the participation of NGOs at the World Conference and at its sessions.

45. It is strongly recommended that a number of broadly based and widely representative preparatory conferences be held at the regional level.

46. The preparations for the Conference should promote the development of educational materials on human rights related to people and their concerns. This material should be holistic and comprehensive, including both economic, social and cultural rights as well as civil and political rights.

47. It is recommended that more national and local human rights groups be actively involved in and become beneficiaries of the United Nations programme of advisory services in the field of human rights.

48. The lack of resources given to the Centre for Human Rights and the United Nations Department of Public Information for the promotion of human rights and education should be noted and addressed.

49. The Conference should promote human rights education in order to add energy to the movements that already exist and to promote the creation of new ones. Beyond the distribution of international conventions and declarations, this educational process should promote information and action that effect positive change in peoples' lives.

Notes

1/ Universal Declaration of Human Rights, articles 3 and 25;
International Covenant on Economic, Social and Cultural Rights, article 12;
International Covenant on Civil and Political Rights, article 6.

2/ See e.g. the Universal Declaration of Human Rights and the
International Covenant on Economic, Social and Cultural Rights.

3/ See e.g. article 24 of the African Charter on Human and People's
Rights.

4/ See: Report of the Secretary-General on the International Seminar
on Popular Participation (Ljubljana, 17-25 May 1982) (A/37/442).

5/ Document A/38/338. India stated that its Department of Environment
has established programmes to (a) collect, process and disseminate
environmental information, and (b) increase public awareness of environmental
issues and to stimulate public participation in activities for environmental
protection.

List of Participants

AMERICAN JEWISH COMMITTEE
ANGLICAN CONSULTATIVE COUNCIL
BAHA'I INTERNATIONAL COMMUNITY
B'NAI BRITH INTERNATIONAL/CBJO
CHRISTIAN CHILDREN'S FUND
COALITION AGAINST IMPUNITY
COALITION AGAINST TRAFFICKING WOMEN
DEFENSE OF CHILDREN INTERNATIONAL
THE EXPERIMENT IN INTERNATIONAL LIVING
FEDEFAM
FRANCISCANS
FREEDOM, JUSTICE AND PEACE SOCIETY
FOUR DIRECTIONS COUNCIL
GREEK ORTHODOX ARCHDIOCESE OF NORTH AND SOUTH AMERICA
GREEK ORTHODOX COUNCIL
INTERNATIONAL ALLIANCE OF WOMEN
INTERNATIONAL ASSOCIATION AGAINST TORTURE
INTERNATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS
INTERNATIONAL ASSOCIATION OF EDUCATORS FOR WORLD PEACE
INTERNATIONAL ASSOCIATION FOR VOLUNTEER EFFORT
INTERNATIONAL CONFEDERATION OF MIDWIVES
INTERNATIONAL COUNCIL OF WOMEN
INTERNATIONAL FEDERATION OF CATHOLIC UNIVERSITIES
IFS
INTERNATIONAL HUMANIST AND ETHICAL UNION

ILSW

INTERNATIONAL LEAGUE FOR HUMAN RIGHTS

INTERNATIONAL ROMANI UNION

INTERNATIONAL WOMEN'S HEALTH COALITION

INTERNATIONAL WOMEN'S RIGHTS ACTION WATCH

IRISH NATIONAL CAUCUS

LAWYERS COMMITTEE FOR HUMAN RIGHTS

LUTHERAN IMMIGRATION AND REFUGEE SERVICE

METROPOLITAN IMMIGRATION CENTER OF AMERICA

NATIONAL EMERGENCY CIVIL LIBERTIES COMMITTEE

NATIONAL SERVICE CONFERENCE OF THE AMERICAN ETHICAL UNION

OXFAM

PAN AFRICAN HUMAN RIGHTS

PAX ROMANA

SERVAS USA AND SERVAS INTERNATIONAL

SOCIOLOGISTS FOR WOMEN IN SOCIETY

UNITARIAN UNIVERSALIST UNITED NATIONS OFFICE

UNITED NATIONS CENTRE FOR HUMAN RIGHTS

UNIVERSAL ESPERANTO ASSOCIATION

VOICE OF WOMEN (CANADA)

WOMEN'S INTERNATIONAL LEAGUE FOR PEACE AND FREEDOM

WORLD FEDERATION OF TRADE UNIONS

WORLD GOODWILL

WORLD MUSLIM CONGRESS

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